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Alcohol Tobacco and Firearms Bureau

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Surface Mining Reclamation and Enforcement Office

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Motor Carriers
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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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Final rule; technical amendment.

SUMMARY: The Office of Personnel Management (OPM) is issuing a technical amendment to the Schedule A excepted appointing authority for the Presidential Management Intern Program to implement changes made by Executive Order 12364, The Presidential Management Intern Program, dated May 24, 1982. This amendment provides for an extension of Presidential Management Intern appointments for an additional year and removes superflous language from the basic appointing authority.

EFFECTIVE DATE: January 18, 1983.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: Executive Order 12364 replaced Executive Order 12008 of the same title, issued August 25, 1977, as the basic authority for the Presidential Management Intern Program. The new order changed the absolute 2-year limit for Intern appointments by providing for extension, with OPM approval, for additional year. Interns may, however, still be converted to competitive status after completing at least 2 years of excepted service.

The Schedule, A appointing authority provides that requirements for converison will be published in the Federal Personnel Manual, However, the authority also included a summary of those requirements. As that summary was superflous and was less informative than the instructions in the Federal Personnel Manual, it has been deleted. Agencies will find the requirements for conversion of Presidential Management Interns to competitive appointments in chapter 315 of the Federal Personnel Manual.

The Director finds that good cause exists to waive the general notice of proposed rulemaking and to make this amendment effective in less than 30 days. The regulation is being made effective immediately because it does not change the substance of the regulation issued July 2, 1982, but merely updates its provision to reflect and implement Executive Order 12364, which is already in effect.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains solely to conditions for appointment of certain employees by Federal agencies.

List of Subjects in 5 CFR Part 213

Government employees.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 213—[AMENDED]

Accordingly, the Office of Personnel Management is amending 5 CFR Part 213 by revising § 213.3102(ii) to read as follows:

§ 213.3102 Entire executive civil service

* * * * *

(ii) Positions of Presidential Intern, GS–9 and 11, in the Presidential Management Intern Program. Initial appointments must be made at the GS–9 level. No one may serve under this authority for more than 2 years, unless extended with OPM approval for up to one additional year. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive appointment under the provisions of Executive Order 12364, in accordance with the provisions of § 315.708 of this chapter and requirements published in the Federal Personnel Manual.

* * * * *

(5 U.S.C. 3301, 3302; EP 12364, 47 FR 22931)

[FR Doc. 83-1314 Filed 1-17-83; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 225 and 226

Vegetable Protein Products; Used in Child Nutrition Programs

Correction

In FR Doc. 83–522, on page 775, in the issue of Friday, January 7, 1983, make the following corrections:

1. On page 781, third column, paragraph (b)(1), line 4, remove the quotation marks.

2. On page 782, first column, correct the table, item 7 to read: "Vitamin B_{12} (micrograms)..... .1".

BILLING CODE 1505-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

Teletherapy Room Radiation Monitors and Inspection and Servicing of Teletherapy Source Exposure Mechanisms

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations applicable to NRC teletherapy licensees. The intent of these amendments is to ensure prior warning to the operator in the event of a malfunction of a teletherapy source exposure mechanism and to ensure adequate inspection and servicing of the teletherapy machine. The amendments require:

1. The installation of radiation monitors in teletherapy rooms;

2. The use of portable survey instruments or audible alarm personal dosimeters whenever the permanent radiation monitors are inoperable; and

3. The inspection and servicing of all teletherapy units to assure proper

functioning of the source exposure mechanism, during source replacement or at intervals not to exceed five years, whichever comes first.

EFFECTIVE DATE: March 4, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Alan K. Roecklein, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301–443–5870).

SUPPLEMENTARY INFORMATION: In May 1980, the Office of Nuclear Material Safety and Safeguards issued orders to all NRC teletherapy licensees requiring the installation of teletherapy room radiation monitors and the use of portable radiation survey meters when the installed monitors are inoperable. In 1972 the NRC established a standard teletherapy license condition requiring inspection and servicing of all teletherapy machines to assure proper functioning of the source exposure mechanisms at time of source replacement or every five years, whichever comes first, and requiring that a record of the inspection and servicing be kept on file for review by the Commission's Office of Inspection and Enforcement. These actions were intended to provide early warning of, and to help prevent, potentially serious over-exposures of teletherapy operators and patients in the event that the source exposure mechanism failed.

The radioactive sources contained in teletherapy units produce radiation fields on the order of hundreds of rads per minute in areas accessible to patients and operators. An undetected exposed source could result in overexposures of patients or operating personnel in a short period of time. Teletherapy units are designed with reliable source handling components. In spite of careful design the NRC is aware of some teletherapy equipment malfunctions that had the potential for causing serious overexposures. Although no overexposures involving serious injury have occurred, the rule changes described in the summary are intended to provide greater assurance that teletherapy equipment malfunctions do not occur and that they will be detected before serious injury can occur.

It is the Commission's intent to codify the previously described orders and license condition, as modified herein, so that they are uniformly applicable to existing licensees and new applicants. A copy of this final rule notice will be sent to all current teletherapy licensees with a cover letter calling the licensees' attention to the matters outlined below.

With regard to the May 7, 1980 orders requiring the installation of radiation monitors, licensees are advised that the orders are hereby rescinded. Most teletherapy licenses now include a license condition that incorporates the provisions of the May 7, 1980 orders. Licensees are advised that the NRC considers the final rule to supersede these license conditions as well. Specifically the rule differs from the previous orders in that it will permit the use of a back-up power supply other than a battery and will also permit the use of audible alarm personal dosimeters as well as portable survey meters if the radiation monitor is inoperable. Licensees are referred to Regulatory Guide 8.28, "Audible Alarm Dosimeters," for guidance concerning the use and limitations of audible alarm personal dosimeters.

Some licensees requested relief from the 1972 license condition requiring five-year inspection and servicing of their units. The NRC staff considered these requests on a case-by-case basis and many of the requests have been granted in the form of a license condition modifying the time interval. It is intended that the license conditions already granted will take precedence over the rule when it becomes effective.

The rule includes a provision to this effect in § 35.26.

Licensees are advised that if, after the rule change is published and becomes effective, there are unusual circumstances, they may request a specific exemption under 10 CFR 30.11. These requests will be considered on a case-by-case basis as a request to amend a license and must be accompanied by the appropriate fee required by 10 CFR 170.31.

Comment Analysis

On April 28, 1982, the Nuclear Regulatory Commission published for comment in the **Federal Register** (47 FR 18131) proposed amendments to 10 CFR Part 35 of its regulations. Six letters of public comment were received. One letter opposed the rule and five proposed minor changes. As a result of analysis of the public comments received and further staff discussions, two changes have been made in the amendments as proposed.

—Proposed § 35.25.(b) required that the visible indicator of high radiation levels must be located so as to be observable by a person entering the room and during operation of the unit. Several commenters observed and the staff has confirmed that most teletherapy treatment facilities are designed with a maze to prevent exposure of the operator during treatment. In many cases this design would require a separate television camera and receiver system in order to observe the visible indicator on the radiation monitor during treatment. This paragraph has been revised to require that the visible indicator be observable by a person entering the treatment room only.

—Proposed § 35.25(e) required that if a radiation monitor is inoperable for any reason, any person entering the teletherapy room shall use a portable survey instrument to monitor for any malfunction of the source exposure mechanism that may have resulted in an exposed or partially exposed source. It was suggested that audible alarm personal dosimeters would be an acceptable alternative to a portable survey instrument. The staff agreed that, if checked daily before use, available audible alarm personal dosimeters would provide adequate warning of an exposed source if the fixed monitor were inoperable. This paragraph has been revised to permit use of an audible alarm personal dosimeter.

Other substantive comments received on the proposed rule were:

—A statement that inspection of the source exposure mechanism is redundant in view of the requirement for monitoring equipment. This comment is rejected for the reason that inspection is intended to prevent malfunctions, while the radiation monitor can only provide warning that a malfunction has occurred;

—A suggestion that teletherapy units should be equipped with improved timing devices to minimize the chances of exposure timing errors. Although the staff recognizes the merit of improved exposure timing devices the staff does not believe that the comment is within the scope of this rulemaking procedure. However, this comment is under consideration for inclusion in a regulatory guide for teletherapy licensing.

—A suggestion that the permanently mounted radiation monitor should be equipped with an audible alarm. Requiring that the radiation monitor be equipped with an audible alarm was considered in the development of this rule. A decision has been made not to include the audible alarm provision. The staff believes that the cost of backfitting an audible alarm is not justified by the marginal increase in safety. Licensees may install an audible alarm in addition to a visible alarm if they so choose. Licensees desiring to use an audible alarm only may request a specific exemption under 10 CFR 30.11. These requests will be considered on a case-by-case basis as a request to amend the license and must be accompanied by the

appropriate fee required by 10 CFR 170.31.

Paperwork Reduction Act Statement

This rule was submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act (Pub. L. 96-511; 42 U.S.C. Ch. 15). The recordkeeping requirement contained in this regulation was approved by OMB. OMB approval No. 3150-0010.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities.

About 440 teletherapy licensees are regulated by the NRC. Fewer than 1% of these can qualify as small entities for the purposes of the Regulatory Flexibility Act applying the standards contained in 13 CFR Part 121, Small Business Size Standards. All but a few of the teletherapy licensees are hospitals and the Small Business Administration defines small hospitals as having fewer than 150 beds. A check on 104 of NRC teletherapy licensees showed that all of them had more than 150 beds.

The NRC believes that all teletherapy licensees have already installed monitoring equipment and have portable survey instruments available in compliance with the 1980 orders. The cost of an installed monitor and survey instrument is approximately one thousand to fifteen hundred dollars. The approximate cost of a teletherapy unit exceeds one hundred thousand dollars. Annual revenue generated by a teletherapy unit is on the order of 200,000 dollars.

Costs for the inspection, servicing, and recordkeeping will be proportional to the number of units owned by the licensee. An estimate of these costs is less than 500 dollars per year per teletherapy unit.

The Commission believes that the costs to licensees is small compared to the revenue generated by use of a teletherapy unit and that the gains in patient and operator protection will significantly outweigh the economic impact on licensees.

List of Subjects in 10 CFR Part 35

Byproduct material, Drugs, Health facilities, Health professions, Medical devices, Nuclear materials, Occupational safety and health, Penalty, Radiation protection, Reporting requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Part 35.

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

1. The authority citation for Part 35 is revised to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended: (42 U.S.C. 2111, 2201, 2232, 2233): Section 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 35.2, 35.14 (b), (e) and (f), 35.21(a), 35.22(a), 35.24, and 35.31 (b) and (c) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 35.14(b)(5) (ii), (iii) and (v) and (f)(2), 35.27 and 35.31(d) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

§ 35.25 [Redesignated as § 35.27]

2. The present § 35.25 is redesignated § 35.27.

3. A new § 35.25 is added to read as follows:

§ 35.25 Requirements to install a permanent radiation monitor in teletherapy rooms and to use portable survey instruments or audible alarm dosimeters.

(a) Each licensee authorized under § 35.13 to use teletherapy units for treating humans shall install a permanent radiation monitor in each teletherapy room for continous monitoring of beam status.

(b) Each radiation monitor must be capable of providing visible notice of a teletherapy unit malfunction that may result in an exposed or partially exposed source. The visable indicator of high radiation levels must be located so as to be observable by a person entering the treatment room.

(c) Each radiation monitor must be equipped with an emergency power supply separate from the power supply to the teletherapy unit. This emergency power supply may be a battery system.

(d) Each radiation monitor must be tested for proper operation each day before the teletherapy unit is used for treatment of patients.

(e) If a radiation monitor is inoperable for any reason, any person entering the teletherapy room shall use a properly operating portable survey instrument or audible alarm personal dosimeter to monitor for any malfunction of the source exposure mechanism that may have resulted in an exposed or partially exposed source. Survey instruments or dosimeters must be tested daily before use.

4. A new § 35.26 is added to read as follows:

§ 35.26 Inspection and servicing of the source exposure mechanism; relief granted by certain license conditions.

(a) The licensee shall cause each teletherapy unit used to treat humans to be fully inspected and serviced during source replacement or at intervals not to exceed five years, whichever comes first, to assure proper functioning of the source exposure mechanism.

(b) Inspection and servicing of the teletherapy unit shall be performed by persons specifically licensed to do so by the Commission or an Agreement State.

(c) Amendments to teletherapy licenses in effect as of March 4, 1983, which extended the time interval for the inspection and servicing requirement of paragraph (a) of this section shall remain in effect and are not rescinded by this section.

5. In redesignated § 35.27 the introductory text and paragraph (a) are revised to read as follows (paragraphs (b) and (c) of redesignated § 35.27 are not changed):

§35.27 Records.

The licensee shall maintain, for inspection by the Commission, records of the measurements, tests, corrective actions, inspection and servicing of the teletherapy unit, and instrument calibrations made under §§ 35.21 through 35.26 and records of the licensee's evaluation of the qualified export's training and experience made under § 35.24.

(a) The following records must be preserved for five years after completion of the full calibration or after inspection and servicing:

(1) Full calibration measurements reports made under § 35.21.

(2) Records of calibration of the instruments used to make these measurements under § 35.23.

(3) Records of inspection and servicing of the teletherapy unit under § 35.26.

* * * * *

Dated at Bethesda, Md., this 4th day of January 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-1370 Filed 1-17-83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 7

[Docket No. 83-2]

Interpretive Rulings

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This document corrects a statutory citation contained in the Comptroller's interpretive ruling regarding a national bank's compliance with the five year holding period for "salvage" real estate (12 CFR 7.3020).

FOR FURTHER INFORMATION CONTACT: Nancy E. Chase, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

SUPPLEMENTARY INFORMATION: By Act of July 27, 1981, Pub. L. 97-25, tit. 3, section 302, 95 Stat. 145 (1981), 12 U.S.C. 29 was amended by adding a third paragraph to the section with the result that what was the "last paragraph" prior to amendment subsequently became the "second paragraph."

List of Subjects in 12 CFR Part 7

National banks, "Salvage" real estate.

Accordingly, the following amendment is made in 12 CFR Part 7.

PART 7—[AMENDED]

Subpart C—Bank Ownership of Property

1. The authority citation for Part 7 reads as follows:

Authority: R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq., unless otherwise noted.

§ 7.3020 [Amended]

2. Section 7.3020 is amended by changing the reference in the first sentence of subsections (a) (1) and (a) (2), respectively, from "last paragraph of 12 U.S.C. 29" to "second paragraph of 12 U.S.C. 29".

Dated: January 10, 1983.

C.T. Conover,

Comptroller of the Currency.

[FR Doc. 83-1237 Filed 1-17-83; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 369

Restrictive Trade Practices or Boycotts

AGENCY: International Trade Administration, Commerce.

ACTION: Interpretation.

SUMMARY: The Department wishes to clarify the application of its antiboycott regulations to several situations involving directives or instructions which appear frequently in letters of credit, purchase orders or other shipping or sale documents.

EFFECTIVE DATE: January 18, 1983.

FOR FURTHER INFORMATION CONTACT: Howard N. Fenton, Director, Compliance Policy Division, Office of Antiboycott Compliance, U.S. Department of Commerce (202-377-2381).

SUPPLEMENTARY INFORMATION: The antiboycott regulations prohibit knowing agreements to comply with certain prohibited requests and requirements of boycotting countries, regardless of how these terms are stated [§ 369.2(a)-(d)]. Similarly, the reporting rules require that a boycott related "solicitation, directive, legend or instruction that asks for information or that asks that a United States person take or refrain from taking a particular action" be reported [§ 369.6(a)(1)]. Questions have frequently arisen about how particular requirements in the form of directives or instructions are viewed under the antiboycott regulations, and we believe that it will add clarity to the regulations to provide a written interpretation of how three of these terms are treated under the law. The terms in question appear frequently in letters of credit, but may also be found on purchase orders or other shipping or sale documents. They have been brought to the attention of the Department by numerous persons. The terms are, or are similar to, the following:

- Goods of boycotted country origin are prohibited;
- No six-pointed stars may be used on the goods, packing, or cases;
- Neither goods nor packaging shall bear any symbols prohibited in the boycotting country.

List of Subjects in 15 CFR Part 369

Boycotts, Foreign trade, Reporting requirements, Restrictive trade practices, Trade practices.

Interpretation

The principal author of this interpretation is Howard N. Fenton, Director, Compliance Policy Division, Office of Antiboycott Compliance.

The following appendix is added to Part 369 as Supplement 6.

Supplement 6—Appendix—Interpretation

(a) *Goods of boycotted country origin prohibited.*

This term is very common in letters of credit from Kuwait and may also appear from time to time in invitations to bid, contracts, or other trade documents. It imposes a condition or requirement compliance with which is prohibited, but permitted by an exception under the regulations (see § 369.2(a) and § 369.3(a-1)). It is reportable by those parties to the letter of credit or other transaction that are required to take or refrain from taking some boycott related action by the request. Thus this bank must report the request because it is a term or condition of the letter of credit that it is handling, and the exporter-beneficiary must report the request because the exporter determines the origin of the goods. The freight forwarder does *not* have to report this request because the forwarder has no role or obligation in this part of the transaction. *See* § 369.6, examples (xiii)-(xv).

(b) *No six-pointed stars may be used on the goods, packing or cases.*

This term appears from time to time on documents from a variety of countries. The Department has taken the position that the six-pointed star is a religious symbol. *See* § 369.2(b), example (viii). Agreeing to this term is prohibited by the regulations and not excepted because it constitutes an agreement to furnish information about the religion of a U.S. person. *See* § 369.2(c). If a person proceeds with a transaction in which this is a condition at any stage of the transaction, that person has agreed to the condition in violation of the regulations. It is not enough to ignore the condition. Exception must affirmatively be taken to this term or it must be stricken from the documents of the transaction. It is reportable by all parties to the transaction that are restricted by it. For example, unlike the situation described in (a) above, the freight forwarder would have to report this request because his role in the transaction would involve preparation of the packing and cases. The bank and exporter would both have to report, of course, if it were a term in a letter of credit. Each party would be obligated affirmatively to seek an amendment or deletion of the term.

(c) *Neither goods nor packaging shall bear any symbols prohibited in the boycotting country.*

This term appears from time to time in letters of credit and shipping documents from Saudi Arabia. In our view, it is neither prohibited, nor reportable because it is not boycott related. There is a wide range of symbols that are prohibited in Saudi Arabia for a variety of reasons, many having to do with that nation's cultural and religious beliefs. On this basis, we do not interpret the

term to be boycott related. *See* § 369.2(a)(5) and § 369.6(a)(5)(V).

(50 U.S.C. Appendix 2401 et seq.)

Dated: January 12, 1983.

William V. Skidmore,

Director, Office of Antiboycott Compliance.

[FR Doc. 83-1364 Filed 1-17-83; 8:45 am]

BILLING CODE 3510-25-M

15 CFR Parts 379 and 399

[Docket No. 21230-266]

Ammunition Manufacturing Machinery; Removal From Commodity Control List

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule removes export controls on ammunition manufacturing machinery from the Commodity Control List (CCL), Supplement No. 1 to § 399.1 of the Export Administration Regulations. Ammunition manufacturing machinery is already controlled for export by the Department of State's U.S. Munitions List under Category III(d), 22 CFR 121.01, and the inclusion of such machinery on the CCL creates an overlap of export jurisdiction. The Department of Commerce retains export controls on machinery for manufacturing shotgun shells (CCL entry 5399D).

DATE: This rule is effective January 18, 1983. Although there is no formal comment period, public comments are welcome on a continuing basis.

ADDRESS: Written comments (six copies) should be sent to: Richard J. Isadore, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1 (b) of Executive Order 12291 (46 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects

15 CFR Part 379

Exports, Science and technology.

15 CFR Part 399

Exports.

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

PART 379—[AMENDED]

1. Supplement No. 2 to Part 379 is amended by revising item (3) to read as follows:

Supplement No. 2—Technical Data

Commodities to Republic of South Africa and Namibia Embargo Policy

(See §379.4(e) and § 385.4(a))

* * * * *

(3) Specialized machinery, equipment, gear, and specially designed parts and accessories therefor, specially designed for the examination, manufacture, testing, and checking of arms, appliances, machines, and implements of war (ECCN 2018), and equipment specially designed for manufacturing shotgun shells (ECCN 5399).

* * * * *

PART 399—[AMENDED]

2. Entry 5399D of the Commodity Control List, Supplement No. 1 to § 399.1, is amended by adding a sentence to the end of the "Special South Africa and Namibia Controls" paragraph reading as follows:

5399D Other general industrial equipment n.e.s., except those listed in Supp. No. 1 to § 399.2, interpretation 29; and parts and accessories therefor.

Controls for ECCN 5399D

* * * * *

Special South Africa and Namibia Controls: * * * A validated license is required for any export to the Republic of South Africa and Namibia of equipment specially designed for manufacturing shotgun shells.

* * * * *

(Secs. 13 and 15, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. section 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980))

Dated: December 30, 1982.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 83-1322 Filed 1-17-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T. D. 83-17]

Vessels in Foreign and Domestic Trades

AGENCY: Customs Service, Treasury

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to add the People's Republic of China to the list of nations which permit vessels of the United States to transport certain articles specified in section 27, Merchant Marine Act of 1920, as amended, between their ports.

The Department of State has furnished satisfactory evidence that the People's Republic of China places no restrictions on the transportation of certain specified articles by vessels of the United States between ports in that country. This amendment provides reciprocal privileges for vessels registered in the People's Republic of China.

EFFECTIVE DATE: October 27, 1982.

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

SUPPLEMENTARY INFORMATION:

Background

Section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883) (the "Act"), provides generally that no merchandise shall be transported by water, or by land and water, between points in the United States except in vessels built in and documented under the laws of the United States and owned by U.S. citizens. However, the Act, as amended by Pub. L. 90-474 (82 Stat. 700; T.D. 68-227), provides that upon a finding by the Secretary of the Treasury,

pursuant to information obtained and furnished by the Secretary of State that a foreign nation does not restrict the transportation of certain articles between its ports by vessels of the United States, reciprocal privileges will be accorded to vessels of that nation, and the prohibition against the transportation of those articles between points in the United States will not apply to its vessels.

Section 4.93(b)(1), Customs Regulations (19 CFR 4.93(b)(1)), lists those nations found to extend reciprocal privileges to vessels of the United States for the transportation of empty cargo vans, empty lift vans, and empty shipping tanks. Section 4.93(b)(2), Customs Regulations (19 CFR 4.93(b)(2)), lists those nations found to grant reciprocal privileges to vessels of the United States for the transportation of equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and certain equipment for use with these barges; certain empty instruments for international traffic; and certain stevedoring equipment and material.

On October 27, 1982, the Department of State advised the Secretary of the Treasury that the People's Republic of China places no restrictions on the transportation of empty cargo vans, empty lift vans, and empty shipping tanks by vessels of the United States between ports in the People's Republic of China.

By Treasury Department Order 165–25 the Secretary of the Treasury has delegated authority to the Commissioner of Customs to prescribe regulations relating to §§ 4.22, 4.81a(b), 4.93 (b)(1) and (b)(2), 4.94(b), and 10.59(f), Customs Regulations (19 CFR 4.22, 4.81a(b), 4.93 (b)(1) and (b)(2), 4.94(b), and 10.59(f)). These sections relate to lists of nations entitled to preferential treatment in Customs matters because of reciprocal privileges accorded to vessels and aircraft of the United States. Subsequently, by Customs Delegation Order No. 66 (T.D. 82–201), dated October 13, 1982, the Commissioner delegated this authority to the Assistant Commissioner (Commercial Operations). Authority to grant this exemption and to amend these sections was delegated from the Assistant Commissioner (Commercial Operations), to the Director, Office of Regulations and Rulings, who then re-delegated this authority to the Director, Regulations Control and Disclosure Law Division.

Finding

On the basis of the information received from the Secretary of State, as described above, it is determined that the Government of the People's Republic of China places no restrictions on the transportation of certain articles specified in section 27 of the Merchant Marine Act of 1920, as amended, by vessels of the United States between ports in the People's Republic of China. Therefore, reciprocal privileges are accorded to vessels registered in the People's Republic of China as of October 27, 1982.

Thus, § 4.93(b)(1) is being amended to add the People's Republic of China to the list of countries contained therein. In accordance with a request from the Department of State, Taiwan Desk, by T.D. 82–91, published in the **Federal Register** on May 14, 1982 (47 FR 20752), § 10.59(f), Customs Regulations, was amended by designating the People's Republic of China as "China" and the existing designation for the "Republic of China" was changed to "Taiwan". In view of this request and to maintain consistency, the designation for the People's Republic of China in § 4.93(b)(1) will appear as "China" and the existing designation for the Republic of China will be changed to "Taiwan". Also, the listing of "China" is being asterisked, with a footnote referring the reader to the "Taiwan" listing. Similarly, §§ 4.22 and 4.93(b)(2) are being amended to reflect these designations and the listing asterisked, with the footnote reference.

List of Subjects in 19 CFR Part 4

Cargo vessels, Customs duties and inspection, Exports, Freight, Harbors, Imports, Maritime carriers, Reporting and recordkeeping requirements, Vessels.

Regulations Amendments

To reflect the reciprocal privileges granted to vessels of the People's Republic of China and for the other reasons noted above, Part 4, Customs Regulations (19 CFR Part 4), is amended in the following manner:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.22 [Amended]

1. Section 4.22 is amended as follows:

a. By removing "China, Republic of" and inserting in its place "China".

b. By removing "People's Republic of China."

c. By adding "Taiwan" in appropriate alphabetical order.

d. By adding "*See also Taiwan" two spaces below "Zaire."

§ 4.93 [Amended]

2. Section 4.93(b)(1) is amended as follows:

a. By adding "China*" in appropriate alphabetical order.

b. By removing "Republic of China."

c. By adding "Taiwan" in appropriate alphabetical order.

d. By adding "*See also Taiwan" two spaces below "Yugoslavia, Socialist Federal Republic of."

3. Section 4.93(b)(2) is amended as follows:

a. By removing "Republic of China."

b. By adding "Taiwan" in appropriate alphabetical order.

(R.S. 251, as amended, 4219, as amended, 4228, as amended, 4255, as amended, sec. 3.23 Stat. 119, as amended, sec. 27, 41 Stat. 999, as amended, sec. 624, 46 Stat. 759, sec. 14, 67 Stat. 516, Pub. L. 90–474, 82 Stat. 700 (5 U.S.C. 301, 19 U.S.C. 66, 1322(a), 1624, 46 U.S.C. 5, 121, 126, 141, 883))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because these are minor amendments in which the public is not particularly interested and there is a statutory basis for the described extension of reciprocal privileges, notice and public procedure pursuant to 5 U.S.C. 553(b)(B) are unnecessary. In accordance with 5 U.S.C. 553(d)(1), a delayed effective date is not required because these amendments grant an exemption.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act." That Act does not apply to any regulations such as these for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Executive Order 12291

These amendments do not meet the criteria for a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

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

Dated: January 12, 1983.

B. James Fritz,

Director, Regulations Control and Disclosure Law Division.

[FR Doc. 83-1380 Filed 1-17-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 14

Advisory Committees; Termination

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and the public advisory committee procedures (21 CFR Part 14), the Food and Drug Administration (FDA) is announcing the termination of the Ophthalmic Drugs Advisory Committee because its services are no longer needed. This document removes that committee from the agency's list of standing advisory committees.

EFFECTIVE DATE: January 18,1983.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and § 14.55(b) (21 CFR 14.55(b)), FDA is announcing the termination of the Ophthalmic Drugs Advisory Committee because its services are no longer needed. The committee was terminated when its charter expired on October 7, 1982.

List of Subjects in 21 CFR Part 14

Administrative practice and procedure, Advisory committees, Color additives, Drugs, Radiation protection.

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec.701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 14 is amended in § 14.100 *List of standing advisory committees* by removing and reserving paragraph (c)(11).

Effective date. Because this is a technical conforming amendment to Part 14, the Commissioner of Food and Drugs finds that there is good cause for the rule to be effective immediately upon publication in the **Federal Register**, January 18, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: January 10, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-1143 Filed 1-17-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 270, 275, 285, and 296

[T.D. ATF-125]

Time for Payment of Floor Stocks Tax on Cigarettes and Manufacturer Excise Taxes on Tobacco Products and Cigarette Papers and Tubes

AGENCY: Bureau of Alcohol, Tobacco and Firearms (AFT), Treasury.

ACTION: Final rule (Treasury decision).

SUMMARY: This document implements sections 306(a)(14) and 308 of the Technical Corrections Act of 1982 by (1) amending the cigarette floor stocks tax regulations to extend the date for payment of floor stocks tax from January 18, 1983, until February 17, 1983, and (2) amending ATF tobacco regulations to prescribe new deadlines for regular payments of excise taxes. These deadlines will generally be 25 days after the end of each return period for manufacturers of tobacco products and 40 days after the end of each return period for manufacturers of cigarette papers and tubes.

DATES: January 18, 1983, for the amendments made by Paragraphs A through I of this document; and January 1, 1983, for the amendments made by Paragraphs J through M.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Coordinator, or Steven C. Simon, Specialist, (202) 566-7626. Mailing address: Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385.

SUPPLEMENTARY INFORMATION:

Floor Stocks Tax Payment

Public Law 97-248, entitled "Tax Equity and Fiscal Responsibility Act of 1982," was enacted on September 3, 1982. Section 283 of that law imposed a floor stocks tax, payable on January 18, 1983. In enacting that law, Congress expressed a desire that the Department of the Treasury allow taxpayers with financial hardship to put off payment of their floor stocks tax until February 17, 1983. The Technical Corrections Act of 1982 extended the date for payment of floor stocks tax until February 17, 1983, for all taxpayers regardless of financial condition. This document incorporates that change through-amendments to 27 CFR 296.173, 296.174, and 296.178 (regulations sections originally prescribed by Treasury Decision ATF-115, 47 FR 51861, Nov. 18, 1982).

Regular Manufacturer Excise Tax Payment

The Technical Corrections Act of 1982 also prescribed the time for payment of regular excise taxes by manufacturers of cigars, cigarettes, and cigarette papers and tubes. (Presently, the time for such tax payment is to be set by regulations authorized by the Secretary of the Treasury.) Under the new law, such taxpayment will be due on the last day of the first succeeding return period, plus 10 days. The length of the return periods was not changed by the new law. As prescribed by regulations, return periods for manufacturers of tobacco products extend from the first through the 15th day of each month, and from the 16th through the last day of each month, but for manufacturers of cigarette papers and tubes, the return periods are one month long.

The effect of these amendments is to extend the time during which manufacturers may defer payment of their excise taxes. Under current regulations, the time for payment by manufacturers of tobacco products is generally the last day of the first succeeding return period. (However, certain manufacturers, who continue under the procedure that was in force before 1965, defer payment only until the third business day after the end of each return period.) For manufacturers of cigarette papers and tubes, current regulations require taxes to be paid on or before the tenth day after the end of each monthly return period.

All manufacturers with sufficient bond coverage who have not been placed on prepayment are automatically eligible to take advantage of the new deferral periods; an extension of coverage of bond is not required.

In order that prior regulations may continue to determine the filing dates for returns required to have been filed before the effective date of these amendments, those prior regulations are not removed from the Code of Federal Regulations, but notations are added to them indicating that they apply only to removals made before January 1, 1983.

Effective Dates

The amendments made by this document take effect on dates that are consistent with the mandates of the Technical Corrections Act of 1982. With respect to cigarette floor stocks tax, the amendments made by this document take effect on January 1, 1983, because that is the effective date of the provisions of section 306(a)(14) of the act. With respect to regular excise taxpayments, the amendments made by this document take effect on January 18, 1983, because that is the day after the due date, under current regulations, of the returns for most taxpayments covering removals of tobacco products in the second half of December, 1982. By the terms of the Technical Corrections Act, the new deferral periods apply only to taxpayments on removals made after December 31, 1982; therefore, the current regulations still apply with respect to returns that are due on or before January 17, 1983. For tobacco product manufacturers eligible for deferral taxpayment, the first tax return under the new deferral periods will be due February 10, 1983. For manufacturers of cigarette papers and tubes, that date is March 10, 1983

Administrative Procedure Act

Because the changes made by the Technical Corrections Act of 1982 relating to floor stocks tax take effect on January 1, 1983, while those relating to excise tax deferral periods apply with respect to tobacco products and cigarette papers and tubes removed after December 31, 1982, and because all changes require immediate implementation, it is hereby found to be impracticable to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d).

Executive Order 12291

This document is not a major rule within the meaning of Executive Order 12291, 46 FR 13193 (1981), because the economic effects flow directly from the Technical Corrections Act of 1982 and not from this regulation. Therefore, it is found that this regulation will not cause:

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

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

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

Regulatory Flexibility Act

The provisions of the regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this document, because it was not required to be preceded by a general notice of proposed rulemaking under 5 U.S.C. 553, and because the revenue effects of this rulemaking on small businesses flow directly from the underlying statute. These regulations will not cause any adverse secondary or incidential effects, or any significant new reporting, recordkeeping, or other compliance burdens.

Drafting Information

The principal drafter of this document is Steven C. Simon of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other people from ATF and from other offices in the Department of the Treasury participated in the development of these regulations.

List of Subjects

27 CFR Part 270

Administrative practice and procedure, Authority delegations, Cigars and cigarettes, Claims, Electronic funds transfers, Excise taxes, Labeling, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds, U.S. possessions, Warehouses.

27 CFR Part 275

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Cigars and cigarettes, Claims, Customs duties and inspection, Electronic funds transfers, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds, U.S. possessions, Warehouses.

27 CFR Part 285

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Claims, Excise taxes, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds.

27 CFR Part 296

Authority delegations, Cigarette papers and tubes, Cigars and cigarettes, Claims, Disaster assistance, Excise taxes, Penalties, Seizures and forfeitures, Surety bonds.

Authority and Issuance

This document is issued under the authority contained in 26 U.S.C. 7805. Accordingly, the regulations in 27 CFR Parts 270, 275, 285, and 296 are amended as follows:

PART 270—MANUFACTURE OF CIGARS AND CIGARETTES

§§ 270.141 and 270.142 [Amended]

Paragraph A. Sections 270.141 and 270.142 are amended by adding the following notation immediately after their section titles:

Note.—This section applies only to removals made before January 1, 1983.

§ 270.162 [Amended]

Par. B. Paragraph (c) of § 270.162 is amended by revising its heading to read as follows:

* * * * *

(c) *Deferral of taxpayment—applicable only to removals made before January 1, 1983.*

* * * * *

§ 270.165 [Amended]

Par. C. Section 270.165 is amended as follows:

A. The heading of paragraph (a) is revised to read: (a) *General rule—applicable only to removals made before January 1, 1983.*

B. The heading of paragraph (b) is revised to read: (b) *Extended time for filing—applicable only to removals made before January 1, 1983.*

C. Paragraph (c) is redesignated as paragraph (d), and a new paragraph (c) is added to read as follows:

* * * * *

(c) *General rule—applicable only to removals made after December 31, 1982.* Returns on ATF Form 3071 (5210.7) shall be filed, for each return period, not later than the 10th day after the end of the first succeeding return period.

* * * * *

§ 270.165a [Amended]

Par. D. In paragraph (b)(2) of § 270.165a, the last sentence is removed; and in the second sentence, in lieu of the words "third business day following the last day of each" are substituted the words "10th day after the end of the first succeeding."

PART 275—IMPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

§ 275.112 [Amended]

Par. E. In the fifth sentence of § 275.112, the erroneous reference to "§ 275.112" is corrected to read "§ 275.114."

§ 275.114 [Amended]

Par. F. Section 275.114 is amended as follows:

A. A heading is added to paragraph (a) to read as follows: (a) *General rule—applicable only to removals made before January 1, 1983.*

B. Paragraphs (b), (c), and (d) are redesignated as (c), (d), and (e) respectively, and headings are added to read as follows: (c) *Postmark.* (d) *Weekends and holidays.* (e) *Procedure.*

C. A new paragraph (b) is added following paragraph (a), to read as follows:

* * * * *

(b) *General rule—applicable only to removals made after December 31, 1982.* Semimonthly tax returns under this subpart shall be filed by the bonded manufacturer, for each return period, not later than the 10th day after the end of the first succeeding return period. The tax shall be paid in full by remittance at the time the return is filed as prescribed in § 275.115 or § 275.115a.

* * * * *

§ 275.114a [Amended]

Par. G. Section 275.114a is amended by adding the following notation immediately following the section title:

Note.—This section applies only to removals made before January 1, 1983.

§ 275.115a [Amended]

Par. H. Paragraph (b)(2) of § 275.115a is amended as follows:

A. In the second sentence, the words "third business day succeeding the last calendar day of the" are replaced by the words "10th day following the end of the first succeeding."

B. The last sentence is removed.

PART 285—MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Par. I. Section 285.25 is revised to read as follows:

§ 285.25 Return of manufacturer.

(a) *Requirement of filing.* Every manufacturer of cigarette papers and tubes shall file, for each of his factories, a monthly tax return on ATF Form 2137 (5230.1). A return shall be filed for each month regardless of whether cigarette papers and tubes were removed subject to tax or whether tax is due for that particular month. However, when a manufacturer so requests by letter, and the regional regulatory administrator grants specific authorization, the manufacturer need not, during the term of that authorization, file a tax return for any month for which tax is not due or payable.

(b) *Information to be shown.* The return shall show the taxpayer's employer identification number as required by § 285.29, the number of books or sets of cigarette papers of each different numerical content and the number of cigarette tubes which were removed subject to tax during the month covered by the return, and any other information required by Form 2137 (5230.1).

(c) *Remittance of tax.* If tax is due, remittance thereof shall accompany the return.

(d) *Place of filing.* The return shall be filed with the district director or the director of the service center in accordance with instructions on Form 2137 (5230.1).

(e) *Time of filing—(1) General rule—applicable only to removals made after December 31, 1982.* For each month, the return shall be filed not later than the tenth day after the end of the first succeeding month.

(2) *General rule—applicable only to removals made before January 1, 1983.* For each month, the return shall be filed not later than the 10th day of the next month.

(3) *Weekends and holidays.* When the last day for filing a tax return falls on a Saturday, Sunday, or legal holiday in the District of Columbia or in the State where the return is required to be filed, the filing of the return (and remittance of the tax) shall be considered timely if done on the next succeeding day which is not a Saturday, Sunday, or such legal holiday.

PART 296—MISCELLANEOUS REGULATIONS RELATING TO CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

Par. J. The authority citation for Subpart H is revised to read as follows:

Authority: Sec. 283, Pub. L. 97-248, 96 Stat. 568 as amended, or as otherwise noted.

§ 296.173 [Amended]

Par. K. In § 296.173(a), the designation "(a) *General.*" is removed. The second sentence of § 296.173 is revised to read: "The tax shall be paid on or before February 17, 1983, and shall accompany the floor stocks tax return." Paragraph (b) of § 296.173 is removed.

§ 296.174 [Amended]

Par. L. In the fourth and sixth sentences of § 296.174(a), the date "January 18, 1983" is removed and in its place is added the date "February 17, 1983."

§ 296.178 [Amended]

Par. M. The second sentence of § 296.178(a) is removed. Paragraph (b) of § 296.178 is revised to read:

* * * * *

(b) *Interest.* Interest shall accrue on all floor stocks tax that is not paid on or before February 17, 1983. The rate of interest is 16% per annum, compounded daily, or such other rate as may be established by the Commissioner of Internal Revenue under the provisions of 26 U.S.C. 6621. Interest shall accrue from February 17, 1983, to the date of payment. (See 26 U.S.C. 6601.)

Signed: December 29, 1982.

Stephen E. Higgins,

Acting Director.

Approved: January 5, 1983.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 83-1320 Filed 1-13-83; 12:39 pm]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Approval of Permanent Program Modifications From the Commonwealth of Virginia Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 946 by adding permanent program amendments concerning Virginia's alternative reclamation bonding regulations submitted by the State under the provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Director, OSM, has determined that the modifications of the Virginia program meet the reqirements of SMCRA and the Federal regulations. Accordingly, the

Director has approved the Virginia program amendments.

Part 946 of 30 CFR Chapter VII is being amended to implement this decision.

EFFECTIVE DATE: This approval is effective January 18, 1983.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, telephone (202) 343-5351.

SUPPLEMENTARY INFORMATION:

Background

On July 8, 1982, Virginia submitted to OSM a proposed program amendment consisting of a General Assembly Bill passed on an emergency basis creating the Coal Surface Mining Reclamation Fund (Fund) and promulgated regulations to implement the legislation (Administrative Record No. VA 401). The proposed program amendment created and implemented an alternative reclamation bonding system in the Virginia program. On September 21, 1982, the Director, OSM approved the program amendment (47 FR 41556-51558).

On September 30, 1982, Virginia submitted to OSM, proposed program amendments to its alternative bonding regulations (Administrative Record No. VA 431). The proposed amendments to the Virginia regulations appear at V809.6 to add a definition of "cognovit note"; at V809.6 and V809.13 to clarify the type of certification required for a self-bond from an applicant; and at V809.14 to clarify that payment into the Fund is within 30 days after the end of each taxable *calendar* quarter.

OSM published a notice in the **Federal Register** on November 1, 1982, announcing receipt of the amendment, procedures for the public comment period and a public hearing on the substantive adequacy of the amendment (47 FR 49412-49413). The public comment period ended December 1, 1982. A public hearing scheduled for November 17, 1982, was not held because no one expressed a desire to present testimony. On November 16, 1982, OSM published a notice in the **Federal Register** to cancel the public hearing (47 FR 51591). Public disclosure of comments by Federal agencies was made on December 27, 1982, in the **Federal Register** (47 FR 57513).

Director's Findings

The Director finds in accordance with SMCRA and 30 CFR 732.17, that the program amendments submitted by Virginia on September 30, 1982, meet the requirements of Section 509 and 519 of SMCRA and 30 CFR Part 800.

Disposition of Public Comments

The Environmental Protection Agency made comments concerning the Virginia regulations at V809.11, V809.12, V809.13, V809.14, V809.16, V809.17 and V809.18. The Director finds that these comments are outside the scope of this rulemaking as they are directed to provisions of the Virginia regulations approved on September 21, 1982 (47 FR 41556-41558).

Additional Determination

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this action.

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6, and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, this action is exempt from preparation of Regulatory Impact Analysis and regulatory review by OMB.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, I have certified that this rule will not have a significant economic impact on a substantial number of small entities.

On December 8, 1981, the Administrator of the Environmental Protection Agency transmitted her written concurrence on the Virginia permanent program. The amended regulatory provisions approved in this document are not aspects of the Virginia permanent program which relate to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1151-1175), and the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*).

List of Subjects in 30 CFR Part 946

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

Therefore, Part 946 of 30 CFR Chapter VII is amended as set forth herein.

Dated: January 10, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 946—[AMENDED]

Part 946 of Title 30 is amended by revising § 946.10 to read as follows:

§ 946.10 State regulatory program approval.

The Virginia State Program, as submitted on March 3, 1980, as amended and clarified on June 16, 1980, as resubmitted on August 13, 1981, and clarified in a meeting with OSM on September 21, and 22, 1981, and in a letter to the Director of the Office of Surface Mining on October 15, 1981, was conditionally approved, effective December 15, 1981. Beginning on that date, the Department of Conservation and Economic Development, Division of Mined Land Reclamation, was deemed the regulatory authority in Virginia for all surface coal mining and reclamation operations and all exploration operations on non-Federal and non-Indian lands. Beginning on July 21, August 19, September 21, and December 13, 1982, the program also included program amendments submitted on January 28, July 9, July 8, and August 13, 1982, respectively. Further, beginning on January 18, 1983 the program includes a program amendment submitted on September 30, 1982. Copies of the conditionally approved program, as amended, are available for review at:

Virginia Division of Mined Land Reclamation, Drawer U, 630 Powell Avenue, Big Stone Gap, Virginia 24219;

Virginia Department of Conservation and Economic Development, 1100 State Office Building, Richmond, Virginia 23219;

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266; or

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

[FR Doc. 83-1231 Filed 1-17-83; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2242-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA announces final rulemaking on revisions to the Indiana State Implementation Plan (SIP) for ozone. The revision pertains to the State's strategy to control volatile organic compound (VOC) emissions

from stationary sources addressed in EPA's Group II Control Technique Guidelines (CTGs). EPA's action is based upon a revision which was submitted by the State to satisfy the requirements of Part D of the Clean Air Act (Act). EPA is also taking the opportunity to revise the codification language within the Code of Federal Regulations to reflect EPA's approval of the State's recodification from APC 15 to 325 Indiana Administrative Code (IAC) Article 8, Control of VOC Emissions. This change in codification language does not change EPA's conditional approval of APC 15.

EFFECTIVE DATE: This final rulemaking becomes effective on February 17, 1983.

ADDRESSES: Copies of this revision to the Indiana SIP are available for inspection at: The Office of the Federal Register, 1101 L Street NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses:

Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

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

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206.

FOR FURTHER INFORMATION CONTACT: Sharon Reinders, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6034.

SUPPLEMENTARY INFORMATION:

Part I

Under Section 107 of the Act, EPA has designated certain areas in Indiana as not attaining National Ambient Air Quality Standards (NAAQS) for ozone. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978).

Part D of the Act requires the State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the NAAQS as expeditiously as practicable, but not later than December 31, 1982 (in certain cases, by December 31, 1987 for ozone and/or CO). The requirements for an approvable SIP are described in a "General Preamble" for Part D rulemakings published at 44 FR 20372 (April 4, 1979), 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979).

An adequate SIP for ozone is one which includes sufficient control of VOC emissions from stationary and mobile sources to provide for attainment of the ozone standard. For stationary sources, the plan must include, as a minimum, legally enforceable requirements reflecting the application of reasonably available control technology (RACT) for those sources for which EPA has published a CTG. In general, where the State regulations are not supported by the information in the CTGs, the State must provide a demonstration that its regulations represent RACT, or amend the regulations to be consistent with the information in the CTGs.

In response to the requirements of Part D of the Act, the State of Indiana has revised its SIP to require control of VOC emissions from stationary industrial sources addressed in EPA's Groups I and II CTGs. On February 11, 1980, the State submitted to EPA a revision to the ozone portion of its SIP for the Group I sources of VOC emissions. EPA proposed rulemaking on this SIP revision on March 15, 1982 (47 FR 11042) and recently took final action to conditionally approve the Group I sources' regulation, APC 15, but took no action on the bubble provision in Section 8(a)(2) of revised APC 15.

On February 6, 1980, the State recodified APC 15 as 325 IAC Article 8. EPA approved the State's recodification, but not the underlying regulations, on July 16, 1982 (47 FR 30972).

On November 25, 1980, the State submitted to EPA additional amendments to 325 IAC Article 8 as a revision to its ozone SIP to control VOC emissions from the Group II sources. This revision pertains to the State's strategy to control ozone in nonattainment areas covered by the revised article. This revision consists of the following regulations:

Indiana Administrative Code

General Provisions, 325 IAC 8-1
Surface Coating of Miscellaneous Metal Parts and Products, 325 IAC 8-2(10)
Factory Surface Coating of Flatwood Paneling, 325 IAC 8-2(11)
Petroleum Liquid Storage: External Floating Roof Tanks, 325 IAC 8-4(3)(c)
Petroleum Refinery Fugitive Emissions (Leaks), 325 IAC 8-4(8)
Transport and Vapor System Leaks, 325 IAC 8-4(9)
Pharmaceutical Manufacture, 325 IAC 8-5(3)
Rubber Tire Manufacture, 325 IAC 8-5(4)
Graphic Arts (Printing), 325 IAC 8-5(5)
Dry Cleaning (Perchloroethylene), 325 IAC 8-5(6)

EPA published a notice of proposed conditional approval of this revision on May 14, 1982 (47 FR 20824). The reader is referred to the notice for further details. A 30-day public comment period on the revision and on EPA's proposed action was provided until June 14, 1982, and, subsequently, extended to July 14, 1982, at the State's request (47 FR 27870). During the comment period, EPA received two comments. The Agency's evaluation of these comments is summarized below.

Part II

Public Comments

State Comments. The Air Pollution Control Board (APCB) responded to the proposed rulemaking in a letter dated July 14, 1982, and supports EPA's conclusion that this SIP revision requiring control of VOC emissions is conditionally approvable. Further, the APCB will consider changes to specific rules, noted below, for preliminary adoption by December, 1982. This will allow the APCB to submit the revised State promulgated regulation to EPA by July 1, 1983. The following is a summary of the APCB's comments and EPA's response.

Comment: The Board made a commitment to revise the gauge pressure contained in Rule 325 IAC 8-4 Section 9(b) to 4,500 pascals and to revise Rule 325 IAC 8-5 Section 4(b) to read "capture of up to 90 percent of the VOC emitted by the spraying operation."

Response. EPA approves the rules with the understanding that the APCB will revise the rules pursuant to its commitment.

Comment: The APCB will conduct a survey, within the next six months, to attempt to demonstrate that the effect of emission levels with the perchloroethylene dry cleaning rule, 325 IAC 8-5 Section 6, are within 5 percent of the levels with the control recommended by EPA.

Response. EPA proposed to take no action on this rule because of the exemption in Section 6(c)(1). However, the technical requirements of the rule are consistent with the CTG. Therefore, EPA conditionally approves Section 6 based upon the APCB's commitment to conduct a survey and demonstration.

Comment: The APCB has agreed to add test methods and procedures to Rule 325 IAC 8-1.1 Section 4 for VOC emissions from the categories of synthesized pharmaceutical manufacturing, pneumatic rubber tire manufacturing and graphic arts systems. The APCB will cite test method #25 contained in 40 CFR 60 Appendix A and will also add the reference test procedures specified in CTG document

EPA–450/2–78–047, for floating roof storage tanks.

Response. EPA conditionally approves Rule 325 IAC 8–1.1 based upon the APCB's commitment to revise the rule as noted.

Comment: The APCB will rewrite Rule 325 IAC 8–4, Section 3(e)(2)(B)(iii) to read "for vapor mounted primary seals and accumulated gap area around the circumference of the secondary seal where a gap exceeding ⅛ inch exists between the secondary seal and the tank wall shall not exceed 1.0 square inch per foot of tank diameter." The APCB will also add record keeping and reporting requirements to the Rule.

Response. EPA conditionally approves Rule 325 IAC 8–4 Section 3 based upon the APCB's commitment to revise the rule as noted.

Comment: The APCB will amend Rule 325 IAC 8–5, Section 5(c) (2) and (3), capture system efficiencies, to read "75% for packaging rotogravure process and 70% for flexographic printing process, respectively."

Response. EPA conditionally approves Rule 325 IAC 8–5 Section 5 based upon the APCB's commitment to revise the rule as noted.

Industry Comment. EPA received one comment from industry on the proposal. The commentor states that the capture efficiency of 65 percent in Rule 8–5(c)(2), as proposed by the State, for packaging rotogravure operation is reasonable. The commentor supplied technical data indicating that 65 percent capture efficiency represents RACT for their operation; and therefore, the *overall* emission reduction of 65 percent recommended by EPA in the CTG document is beyond RACT.

Response. EPA's recommended level of control is based upon the Agency's current evaluation of the VOC control capabilities and problems general to these industries. Since publication of the CTG, other States have adopted regulations for this category consistent with EPA's recommended requirements. Therefore, the conclusion is that the 65% overall reduction requirement is achievable. If the commentor believes that this target is beyond RACT for a specific facility, that facility can request that Indiana grant a variance from the rule under the provisions of Rule 8–1(5), petition for alternative controls. Further, as noted above, the APCB has made a commitment to revise this rule to be consistent with EPA's guidance for RACT applied to packaging rotogravure operations. Therefore, after reviewing the comment, EPA has determined that conditional approval of Rule 8–5 for the graphic arts industry is appropriate.

Part III

Conclusion

In the notice of proposed rulemaking, published on May 14, 1982, EPA noted that Article 8 excludes existing sources in the ozone nonattainment counties of Allen, Elkhart and St. Joseph from compliance with the RACT requirements. VOC RACT is required in all designated nonattainment counties in order to have an approvable ozone SIP, and, therefore, these counties do not have approvable Part D ozone SIPs. On February 5, 1982, the EPA proposed rulemaking revising the attainment status of Allen County to attainment/unclassifiable. Final rulemaking to redesignate Allen County's attainment for ozone would remove the RACT requirements for sources in this county.

EPA further noted that the current Federally enforceable SIP requiring VOC controls on existing sources doing surface coating of miscellaneous metal parts and flatwood paneling was adopted by Indiana on September 14, 1972, and approved by the EPA on May 14, 1973 (38 FR 12968). In general, compliance with these regulations was intended to be achieved with add-on control devices such as carbon adsorption, chemical oxidation, incineration and refrigeration.

However, for the surface coating categories of miscellaneous metal parts and flatwood paneling in Indiana, strict adherence to this requirement would make it impractical for sources to comply with the old requirements while moving toward compliance with the new regulations. That is, continued compliance with the current SIP would require surface coating operations to install and operate add-on control devices rather than the potentially more economic and energy efficient control alternatives allowed within in the revised Article 8 such as coating reformulation or process modification. Therefore, EPA takes final action today to replace the current enforceable SIP requirements for surface coating miscellaneous metal parts and flatwood paneling with Rule 8–2, Sections 10 and 11. For all other existing VOC sources, listed in Part I, the requirements of the SIP as approved by EPA in 1973 will remain in effect and Federally enforceable until compliance with the revised 325 IAC 8 requirements is achieved.

For the surface coating of miscellaneous metal parts, EPA notes that Indiana exempts those sources located in Clark, Floyd, Lake, Marion and Porter Counties from requirements of Rule 2(10) for sources that have a potential to emit less than 100 tons of VOC per year. Indiana justifies this exemption by stating that there are no sources emitting between 25 and 100 tons per year within these counties and, therefore, believes that its exemption is reasonable. Based on the State's justification, EPA is today approving this size exemption cutoff.

EPA is conditionally approving 325 IAC Article 8 for the Group II source categories of VOC emissions promulgated by Indiana on October 15, 1980. The conditions refer to 8–1.1, 8–4 Section 3, and 8–5 Sections 5 and 6. EPA is approving 8–4 Section 9(b) and 8–5 Section 4(b) with an understanding that the State will revise these rules pursuant to the APCB's commitment.

Accordingly, the State and EPA have negotiated a deadline of December 31, 1982, for the APCB to preliminarily adopt the changes to specific rules noted herein. This will allow the State to submit the revised State promulgated regulation to EPA by July 1, 1983. For a discussion of conditional approval and its practical effect, see 44 FR 38583 (July 2, 1979) and 44 FR 67182 (November 23, 1979).

Finally, as stated earlier in this notice, EPA is taking the opportunity today to revise the codification language within the Code of Federal Regulations of its conditional approval of APC 15 in order to reflect EPA's approval of the State's recodification of APC 15 to 325 IAC Article 8. This change in the codification language does not change in any manner EPA's conditional approval of APC 15 nor does this action reopen for judicial challenge under § 307 of the Act the compliance schedules or other requirements of that regulation. Similarly to its action on APC 15, EPA is still not taking action on the comparable "bubble" provision within 325 IAC 8–1.1 Section 2(b).

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review.

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

List of Subjects in 40 CFR Part 52

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

Note.—Incorporation by reference of the State Implementation Plan for the State of

Indiana was approved by the Director of the Federal Register on July 1, 1982.

(Secs. 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: January 12, 1983.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

1. Section 52.770 is amended by adding new paragraph (c)(39) as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(39) On November 25, 1980, Indiana submitted 325 IAC Article 8, Volatile Organic Compound Regulations. This regulation adds Group II CTG requirements to Indiana's VOC plan and was State promulgated on October 15, 1980. EPA is not taking action on 325 IAC 8–1.1 Section 2(b), Bubble Approach.

* * * * *

2. Section 52.773 is amended by revising paragraph (f) as follows:

§ 52.773 Approval status.

* * * * *

(f) The Administrator finds that the ozone strategies for Clark, Floyd, Lake, Marion and Porter Counties satisfy all the requirements of Part D, Title I of the Clean Air Act that are required to be submitted to EPA by January 1, 1981.

3. Section 52.777 is amended by revising paragraphs (c)(1)(i) through (iv) and adding new paragraphs (c)(1)(v) through (viii) as follows:

§ 52.777 Control strategy: Photochemical oxidants (Hydrocarbons).

* * * * *

(c) * * *

(1) * * *

(i) For regulation 325 IAC 8–4, Petroleum Sources, the State must conduct a study to demonstrate that the 20,000 gallons per months throughput exemption meets RACT requirements and submit the results to EPA within 6 months of the effective date of final rulemaking on Group I CTG source categories. If the demonstrated emissions resulting from the State's exemption are not essentially equivalent to those resulting from the RACT requirements, then the State must submit to EPA a rule which requires control of emissions from storage tanks at gasoline dispensing facilities with either 10,000 gallons per months or more throughput or 2,000 gallons capacity.

(ii) For regulation 325 IAC 8–2 Sections 2(b), 7(b), and 8(b), Surface Coating Operations, the transfer efficiency equations must be replaced with a statement addressing transfer efficiency improvement on a case by case basis and the new rules must be submitted to EPA as SIP revisions. These rules must be submitted to the Air Pollution Control Board by December 31, 1982, and finally promulgated by the State and submitted to EPA by July 1, 1983.

(iii) For regulation 325 IAC 8–2 Section 6, Fabric and Vinyl Coating, the State must revise the rule to meet the requirements of RACT and must submit the new rule to EPA as a SIP revision. This rule must be submitted to the Air Pollution Control Board by December 31, 1982, and finally promulgated by the State and submitted to EPA by July 1, 1983.

(iv) For regulation 325 IAC 8–1.1 Section 4, Test Methods and Procedures, the State must add EPA approved test methods and procedures and must submit the new rule to EPA as a SIP revision. This rule must be submitted to the Air Pollution Control Board by December 31, 1982, and finally promulgated by the State and submitted to EPA by July 1, 1983.

(v) For regulation 325 IAC 8–5, Section 6, Perchloroethylene Dry Cleaning, the State must conduct a study to demonstrate that the 1,500 gallons exemption meets RACT requirements and submit the results to EPA within 6 months of the effective date of final rulemaking on 325 IAC 8 for VOC from Group II CTG source categories. If the demonstrated emissions resulting from the State's exemption are not essentially equivalent to those resulting from the RACT requirements, then the State must submit to EPA by July 1, 1983, a rule which requires control of emissions from dry cleaning sources using less than 1,500 gallons of perchloroethylene per year.

(vi) For regulation 325 IAC 8–1.1 Section 4, Test Methods and Procedures, the State must add EPA approval test methods and procedures for VOC emissions from the categories of external floating roof tanks, synthesized pharmaceutical manufacturing, pneumatic rubber tire manufacturing and graphic arts systems and must submit the new rule to EPA as a SIP revision by July 1, 1983.

(vii) For regulation 325 IAC 8–4 Section 3, Petroleum Sources, the State must revise the rule to meet the requirements of RACT, add record keeping and reporting requirements, and must submit the new rule to EPA as a SIP revision by July 1, 1983.

(viii) For regulation 325 IAC 8–5 Section 5, Graphic Arts, the State must revise the rule to require for capture system efficiencies of 75% for packaging rotogravure process and 70% for flexographic printing process and must submit the new rule to EPA as a SIP revision by July 1, 1983.

[FR Doc. 83-1345 Filed 1-17-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[Docket No. VT 620; A-1-FRL 2276-3]

Attainment Status Designations; Vermont

Carbon Monoxide Redesignations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is redesignating eight communities in the Champlain Valley Air Management Area from non-attainment for the National Ambient Air Quality Standard (NAAQS) for carbon monoxide to attainment. This action is being taken as a result of a request by the State of Vermont. The intended effect of this action is to eliminate the remaining carbon monoxide non-attainment areas in the Vermont portion of the Air Quality Control Region 159 (Champlain Valley Interstate). Thus, Vermont will be attainment statewide for the NAAQS for carbon monoxide. This action is being taken under Section 107 of the Clean Air Act.

DATES: This action will be effective March 21, 1983, unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2313, JFK Federal Building, Boston, Massachusetts, 02203. Copies of Vermont's request are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 2313, JFK Building, Boston, MA 02203; and the Agency of Environmental Conservation, State Office Building, Montpelier, Vermont 05602.

FOR FURTHER INFORMATION CONTRACT: Thomas Wholley (617) 223–5633.

SUPPLEMENTARY INFORMATION: On April 7, 1982, Vermont submitted a request to redesignate the Champlain Valley Air Management Area from non-attainment to attainment for carbon monoxide. The State submitted additional technical documentation on October 1, 1982. The

package includes monitoring and modeling information to support the State's request.

Based on the technical support for this request, EPA is approving the redesignation from non-attainment for carbon monoxide to attainment for the following eight communities: Colchester Town; Winooski City; Essex Town (including Essex Junction); Burlington City; South Burlington City; Williston Town; Shelburne Town and St. George Town. The rationale for this approval is summarized below:

Background and Initial Investigations

The Burlington, monitoring site is located at a downtown intersection with traffic congestion similar to that found at intersections in all eight communities. This monitoring site measured violations of the carbon monoxide NAAQS in 1975 and 1976. As a result, Vermont requested that all eight communities be designated non-attainment. EPA approved these designations on March 3, 1978 (43 FR 8962). A review of the data collected at the monitoring site from 1977 through 1981 showed no further violations of the NAAQS.

Although the Burlington Monitoring site indicated that there had not been a carbon monoxide violation if five years, Vermont, in consultation with EPA, decided to evaluate other intersections with traffic congestion to determine if any additional locations were violating the carbon monoxide NAAQS. All major intersections were ranked according to traffice volumes. In 1978, the state conducted a two week monitoring program at each of the six intersections with the highest traffic congestion to determine their relative ranking. Analyses of these data indicated that Five Corners in Essex Junction could be expected to have the highest carbon monoxide levels of all the intersections.

Detailed Modeling Analysis

The State then performed a detailed modeling analysis of the Five Corners site. This analysis used EPA's mobile source modeling procedure *Guidelines For Air Quality Maintenance Planning And Analysis Volume 9 (Revised): Evaluating Indirect Sources.* The emmission rate calculation sections of Volume 9 (Revised) were updated to use EPA's emissions model MOBILE–1 and the dispersion routines of EPA's highway air pollution model Highway–2. The input data used in the modeling such as: year of analysis, temperature, wind speed, wind direction, stability class, traffic data, percent hot-cold starts, background, and emission factors, are acceptable to EPA.

The results of this modeling show that the Five Corners site has attained the carbon monoxide NAAQS. Vermont has justified these redesignations based on the assumption that if the modeling indicates attainment for carbon monoxide at the site (Five Corners) with the highest recorded carbon monoxide levels, then all other sites will have attained the CO standard as well. EPA has reviewed Vermont's analysis and concurs with the State's conclusion.

Action: EPA is approving Vermont's request to redesignate eight communities in the Champlain Valley Air Management Area to attainment for carbon monoxide.

EPA is approving this request without prior proposal, because the Agency views this as a noncontroversial action and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective (60 days from today).

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

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

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

Dated: January 12, 1983.

Anne M. Gorsuch,

Administrator.

PART 81—[AMENDED]

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 81.346 the attainment status designation table for Carbon Monoxide should read as follows:

§ 81.346 Vermont.

VERMONT—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Entire State		X

[FR Doc. 83-1344 Filed 1-17-83; 8:45 am]

BILLING CODE 6560-50-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1143

[Ex Parte No. MC-160]

Procedures for Review of Intrastate Bus Rates

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; notice of decision on reopening.

SUMMARY: Final rules in this proceeding were published at 47 FR 53283 (November 24, 1982) that implemented section 17 of the Bus Act. That section required the Commission to adopt rules for processing petitions that seek review of State regulation of intrastate rates, and rules and practices (rate) of intrastate bus carriers. This decision reopens the proceeding for the limited purpose of conforming our prior decision to our determination in Ex Parte No. MC–161, *Preemption of State Regulation of Regular—Route Exit—Motor Passenger Carriers,* 47 FR 53291 (November 24, 1982), regarding the effective date when the Commission will assert jurisdiction over State cases.

EFFECTIVE DATE: This notice will become effective January 18, 1983.

FOR FURTHER INFORMATION CONTACT: Jane Morris, (202) 275–6434,
or
Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: The American Bus Association and the National Bus Traffic Association, Inc., (petitioners) filed a joint petition to reopen this proceeding. A petition in support was filed by Jefferson Lines, Inc. Petitioners allege that the Commission erred in (1) deciding not to assert jurisdiction over any rate proceeding pending before a State agency before the date of signing (September 20, 1982) of the Bus Regulatory Reform Act of 1982 (Bus Act), and (2) requiring petitions for review to include a copy of the entire State record. A reply was filed by the National Association of Regulatory Commissioners.

We are reopening this proceeding for the limited purpose of asserting jurisdiction over rate proceedings pending before State agencies on the effective date of the Act. This conforms to our decision in Ex Parte No. MC-161, *Preemption of State Regulation of Regular—Route Exit—Motor Passenger Carriers.* There, the Commission concluded that (1) as of January 18, 1983,[1] the Commission would assert jurisdiction over cases where the State has failed to act within 120 days, and (2) as of November 19, 1982, (the effective date of the Bus Act) the Commission would assert jurisdiction over cases in which the State denied the requested relief.

Petitioners argue that a number of passenger carriers will be prejudiced by our original decision by being forced to withdraw and refile the same or a similar proposal when a State fails to act in 120 days if the proposal had been filed with the State prior to September 20, 1982. In view of this undesirable result, the clear Congressional intent that the agency take cognizance over State rate decisions and State inaction or delay that might create an unreasonable burden on interstate commerce on the effective date of the Act, see *Bradley* v. *Richmond School Board,* 416 U.S. 696, 715 (1974), and the fact that no justification exists for treating appeals under sections 16 and 17 of the Act differently, we believe that our jurisdiction in proceedings seeking review of State decisions regarding rate requests should also extend to cases which were pending before the States on the effective date of the Bus Act.

[1] The Bus Act was signed on September 20, 1982. On that date the States had clear notice of the availability or preemptive Federal action, and could be expected to act in reflection of that knowledge. The January 18, 1983 date is, therefore, the first day the 120 day period allotted for State action could elapse.

However, because State agencies may have relied on our earlier decision in this matter, and our decision here would otherwise allow States only approximately two weeks to take action on those proceedings filed on or before September 20, 1982 (the date the Act was signed into law) or lose jurisdiction, we believe fundamental fairness requires that we allow the States additional time to process those cases. Therefore, although we will consider appeals of State decisions rendered on or after November 19, 1982, based on petitions filed with the States before that date, we will wait an additional 30 days [2] to February 17, 1983, before we exercise our jurisdiction over proceedings that have been pending before State agencies for at least 120 days. In this way, the States will have had adequate time to complete their roles in the decision-making process, while carriers with rate applications pending before State agencies can be assured of Commission review jurisdiction.

As to petitioners' second request, no justification has been shown requiring the Commission to modify the requirement (at 49 CFR 1143.3) that the entire State record be made part of the record on appeal. This matter was adequately considered and addressed in our prior decision.

This decision will not adversely affect the quality of the human environment or energy consumption.

The final notice in this proceeding concluded that these rules would have no significant economic impact on a substantial number of small entities. Considering the modification made herein, we reaffirm this finding.

It is ordered: The petition is granted in part and denied in part. The prior decision is modified to the extent set forth above.

(49 U.S.C. 10321 and 11501(e) and 5 U.S.C. 553)

Dated: January 5, 1983.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Commissioner Simmons dissented with a separate expression. Vice Chairman Gilliam did not participate.

Agatha L. Mergenovich,

Secretary.

[2] We believe the 30-day extension is reasonable. It will have allowed the States at least 150 days since actual notice of the possibility of Federal preemption action. Moreover, 30 days is the normal time period required for notice before the effective date of rules promulgated under the Administrative Procedure Act, 5 U.S.C. 553(d). Finally, the new time period will coincide with the 120th day after enactment of the Bus Act.

Commissioner Simmons, dissenting: I believe the Commission's prior reasons for not deciding these cases pending before State agencies prior to September 20, 1982, were both fair and consistent with the intent of the Bus Regulatory Reform Act of 1982. We stated in that earlier decision that the intent of Congress is that states are to maintain primary jurisdiction over intrastate rates and that they have 120 days in which to act. We noted that this "opportunity would be significantly reduced in circumstances in which proceedings were instituted before it was known that the one preemptive federal jurisdiction would apply." The petitioners have not raised any new arguments to suggest this view is incorrect.

Additionally, I have some concerns regarding notice and fundamental fairness. By this action, the Commission is changing a former ruling and making it retroactive without, I believe, taking into account the impact on affected parties and their justified reliance on our earlier pronouncements.

[FR Doc. 83-1293 Filed 1-17-83; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 12
Tuesday, January 18, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 581

Processing Garnishment Orders for Child Support and/or Alimony

Correction

In FR Doc 83-460 beginning on page 811 in the issue of Friday, January 7, 1983, make the following corrections:

On page 811, third column, five lines from the botton, remove "disability compensation is greater than his entitlements to."

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 273

[Amendment No. 241]

Bilingual Services

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This rulemaking proposes amendments to the regulations published October 17, 1978 (43 FR 47846), concerning the bilingual service requirements of the Food Stamp Program. The proposed changes are the result of comments solicited by a Notice of Intent published in the Federal Register on December 11, 1981 (46 FR 60614). The proposed rulemaking would ease State agencies' administrative burdens while ensuring that people with bilingual needs have their needs met.

DATE: Comments must be received on or before March 21, 1983 to be assured of consideration in the final rulemaking process.

ADDRESS: Comments should be submitted to Thomas O'Connor, Supervisor, Policy and Regulations Section, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia, Room 708.

FOR FURTHER INFORMATION CONTACT: If you have any questions, contact Mr. O'Connor at the above address or by telephone at (703) 756-3429.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This regulation does not contain reporting and recordkeeping requirements subject to approval by OMB under the Paperwork Reduction Act.

Classification

This action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." The proposed rule will not have an annual effect on the economy of $100 million or more, or a major increase in cost or price for consumers, individual industries, Federal, State or local government agencies or geographic regions. The proposed rule would not affect the business community and would not result in significant effects on competition, employment, investment, productivity, innovation or the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This proposed rule has been reviewed in relation to the requirements of the Regulatory Fexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164, September 19, 1980). Robert E. Leard, Acting, Administrator of the Food and Nutrition Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. The proposal would amend current regulations on the provisions of bilingual services to non-English speaking low-income households.

Background

The use of bilingual services was mandated by Section 11(e) of the Food Stamp Act of 1977 (Pub. L. 95-113). The Department published regulations establishing procedures for bilingual services in the October 17, 1978 Federal Register (43 FR 47846). Subsequently, the Department received comments indicating that it may be necessary to make some adjustments in the procedures. Based on the concerns voiced by State agencies and others, the Department published a Notice of Intent on December 11, 1981 (46 FR 60614), concerning the possibility of changing the bilingual service requirements which are contained in 7 CFR 272.4. In response to this Notice, 69 groups, agencies, and organizations submitted comment letters.

In addition, during the deliberation of the Food Stamp Act Amendments of 1982, Pub L. 97-253, the Senate proposed to revise the bilingual requirement; the House bill contained no comparable provision. The Senate provision was deleted in conference. According to the conference Report, the conferees understood". . . that the Department of Agriculture has solicited comments from the States on the regulations relating to the use of bilingual personnel and material. The conferees support any efforts by the Department to eliminate burdensome requirements in this area. "(Congressional Record h6154, Daily ed. August 17, 1982). The proposed revisions to the bilingual service requirements contained in this rulemaking respond to this Congressional direction and the comments and suggestions received in reponse to the Notice of Intent.

Current Provisions

Section 11(e) of the Food Stamp Act of 1977 requires State agencies to "* * * use appropriate bilingual personnel and printed material in the administration of the program in those portions of political subdivisions in the State in which a substantial number of members of low-income households speak a language other than English * * *." The Department's regulations require State agencies to provide bilingual certification materials and bilingual staff or interpreters in each certification office that provides service to an area containing 100 or more low-income households which speak the same non-English language (single language minority households). In project areas with less than 100 low-income households, these services are required if a majority of the low-income households are of a single language minority. See 7 CFR 272.4(c).

The October 1978 regulations also required State agencies to provide appropriate language outreach materials in each profject area containing 2000 or more low-income households where over 5 percent of these households are of the same single-language minority. In project areas containing less than 2000 low-income households, bilingual materials were required if 100 or more of these households were of a single-language minority. Project areas which are required to provide bilingual certification materials and bilingual staff or interpreters were also required to provide bilingual outreach materials.

Section 111 of the 1981 Omnibus Reconciliation Act (Pub. L. 97–35) eliminated the mandatory requirements for outreach activities and prohibited Federal reimbursement to State agencies for the administrative costs of their outreach programs. The Department amended its regulations to delete the outreach requirements yet maintained mandatory procedures for informing applicants and participants of certain aspects of the program such as rights and responsibilites (September 4, 1981 at 46 FR 44712). The amended regulations adopted the same criteria for determining the need for bilingual program informational activities which, prior to the new Act, were used to gauge the need for bilingual outreach materials.

The above procedures were developed to establish a fairly uniform system for providing adequate bilingual services, and yet to offer bilingual services to sparsely populated areas in which a non-English language may predominate. As a result, many certification offices must determine the number of low-income households in the project area as well as the number of low income single-language minority households for each non-English language spoken in the area.

Current regulations require State agencies to develop estimates of the number of low-income single-language minority households, both participating and nonparticipating, in each project area and certification office. The regulations suggest various sources of information such as census data and community service organizations which could be used in determining the need for bilingual services. If these sources do not provide sufficient information, each certification office must record the number of single-language minorities which visit the office. If more than 100 single language minority households visit a certification office during a 6 month period, that office must provide bilingual staff or interpreters. State agencies must also combine the figures they collected in each certification office within a project area to determine whether bilingual informational material is required in that project area.

Section 272.1(g)(1)(vii) of the regulations establishes procedures for implementing the bilingual requirements. State agencies are required to assess the need for bilingual services in particular certification offices and project areas and advise FNS of their determinations. If a State agency cannot determine, base on available information sources, whether or not bilingual services are required in a particular project area, it must so notify FNS and develop procedures to record the number of non-English speaking low-income households which contact each certification office in that project area. The regulations do not specify how often State agencies should reassess the need for bilingual services in particular project areas and whether and how often the results of such assessments should be reported to FNS. Similarly, State agencies are not required to prepare a plan describing how they are assessing the need for bilingual services and how such services are being provided.

Notice of Intent

The Department's Notice of Intent requested specific comments on several specific aspects of bilingual services. This preamble does not address those aspects which did not receive substantive comments. The Notice requested comments in the following areas:

General bilingual provisions—Have the provisions been effective in lowering participation barriers for non-English speaking low-income households? Are the provisions administratively feasible?

Bilingual needs assessment—Are the suggested sources for determining bilingual needs adequate? Have State agencies had difficulties in determining the total number of low-income households in each project area? Have State agencies been able to keep informed about the need for bilingual services in particular project areas? Should reassessments be made a regulatory requirement?

Bilingual certification materials—Have the materials been effective in lowering participation barriers for non-English speaking low-income households? Has the provision of these materials been administratively feasible? Would bilingual summaries be an acceptable substitute, with regard to both administrative ease and effectiveness, for exact translations of certification materials?

Planning and reporting—Should State agencies be required to submit plans which describe their assessment/reassessment and bilingual services procedures? If State agency flexibility is increased, should planning and reporting requirements be also increased?

Sixty-nine letters were received as part of the comment process on the Notice of Intent to amend the Department's bilingual services regulations. The main issue considered with regard to bilingual requirements was how, if at all, to amend the current regulatory provisions.

Thirty-eight commenters generally supported the rule. Of those generally supporting the current rules, 24 public interest groups, two local agencies, and one State agency recommended no major changes or stressed that rules should not be loosened; seven State agencies, one FNS regional office, and one FNS Civil Rights Office requested more State agency flexibility; and two State agencies requested several changes.

Eleven commenters opposed the current bilingual rules. Seven State agencies and four FNS regional offices suggested State agency establishment of bilingual services requirements. They believed State agencies should provide appropriate bilingual services in areas that contain a substantial number of non-English speaking members of low-income households. Additionally they felt that defining "appropriate" and "substantial" should be a State agency responsibility.

Proposed Rule

As stated earlier, the proposed changes in this rulemaking have been made in response to Congressional direction as well as to those commenters who responded to the Notice of Intent. The Department believes that the proposed rulemaking balances two important factors: the need to eliminate burdensome requirements as directed by Congress and the need to ensure that eligible non-English speaking households are not denied their rights to participate in the Food Stamp Program. A description of the changes proposed in this rulemaking follows.

Assessment of Bilingual Needs

As discussed earlier in the preamble, the current provisions provide numerical criteria for determining bilingual need and are explicit in the manner in which State agencies must determine whether such a need exists. Approximately twenty comments were received in this area. Although most of these

commenters expressed dissatisfaction, there was no consensus with regard to how to meet the legislative requirement to use appropriate bilingual personnel and printed material where a need exists.

The Department proposes to continue to regulate the formua which defines the need for bilingual services. A separate formula, however, for determining the need for program informational activities would no longer exist since such activities are directed towards the same group of individuals, i.e., non-English speaking applicants and participants. Under this proposed rule State agencies would continue to provide bilingual services when the levels prescribed in the regulations are reached (i.e., when a certification office's service area contains 100 or more low-income households which speak the same non-English language and in project areas with less than 100 low-income households if a majority of these households are of a single-language minority).

This proposed rulemaking would, however, allow State agencies flexibility in determining how the prescribed levels are reached. In this regard, this proposed rule incorporates several alternatives offered by those commenters who were dissatisfied with the present assessment procedures. The proposed rule would allow State agencies to continue with the current assessment methodology or to opt for another method such as, but not limited to: measurement of the application rate or the number of persons visiting an office, surveys, caseload statistics, or State demographic data. State agencies would be able to choose assessment procedures that best suit each community and then ensure that the bilingual service needs of the communities are met.

Reassessment of Need

As stated earlier, the current regulations do not specify how often State agencies should reassess the need for bilingual services. The commenters were almost evenly split with regard to whether or not reassessment of bilingual needs should be regulated.

Two FNS Regional Offices, six State agencies, and three local agencies opposed periodic assessment of bilingual need and believed State agencies should continue to be allowed flexibility in reassessing need. Most FNS Civil Rights offices and four public interest groups supported periodic reassessment of need. One commenter suggested semi-annual reassessment and two commenters suggested annual reassessment. One public interest group suggested that annual surveys be conducted in migrant areas and that the surveys be timed to coincide with the seasonal influx of migrants. Another suggested that State agencies hold periodic hearings to discuss bilingual needs.

This proposed rule does not impose any reassessment requirement. The Department does not believe such a requirement is necessary since State agencies are expected to be in constant compliance with the bilingual service provisions and are reviewed periodically by FNS. These rules will continue to allow State agency discretion in the monitoring of shifts (increases/decreases) in the size of single language minority populations. The Department expects that State agencies will continue to be responsive to such changes. This decision conforms with the Congressional directive to avoid and eliminate burdensome regulatory requirements.

Bilingual Personnel and Materials

As discussed earlier, current bilingual service procedures require State agencies to provide appropriate language certification materials and bilingual staff or interpreters in those areas where the prescribed levels are met. Of those who specifically commented on bilingual personnel and materials, the majority were opposed to having any type of requirement. One FNS Regional Office and ten State agencies opposed the requirement for bilingual materials. Of the agencies, four specifically favored bilingual interpreters. One FNS Regional Office and one State agency requested more flexibility in developing and using bilingual materials. Several State agencies commented that translating certification forms and notices was not cost effective because many non-English speaking clients either could not read their own language or spoke an essentially non-written language. Only one local agency commented on this provision and stated that they opposed bilingual materials and favored interpreters.

Three public interest groups supported bilingual materials. One group suggested that program informational materials be available in all project areas where non-English speaking people reside. Two public interest groups suggested that minimum competency standards be established for interpreters. One commenter suggested that small adjoining project areas be permitted to share a bilingual certification worker. One FNS Civil Rights Office suggested that State agencies be required to institute a toll free Program and language assistance line. Another commenter suggested that certification offices be required to have available State-developed bilingual language tapes to explain the program.

Although the majority of the commenters who specifically commented on bilingual personnel and materials were opposed to having any type of requirement, the Department believes that some type of requirement is necessary in order to ensure compliance with the bilingual legislative provision. This proposed rule would, however, allow State agencies to use either bilingual personnel *or* certification materials. Each State agency would be able to choose the type of bilingual services that best suits that agency's needs. The responsibility of assisting single language minority households would still belong to the State agency. For example if the State agency is providing bilingual services for a Spanish population and has decided to provide Spanish materials, the State agency would be required to ensure that illiterate households are not denied their rights to apply and, if eligible, participate in the Food Stamp Program. In this case, the State agency could, for example, obtain the services of someone from that agency's own staff or a community group that could aid such households.

In this same regard, this proposed rule would continue to require bilingual staff or interpreters in those instances where a non-English-speaking household requests a fair hearing and the State agency is required to provide bilingual services. In a situation like this, the State agency would be able to use bilingual materials but only to augment the services of a bilingual staff person or interpreter.

Reporting and Monitoring

As stated earlier, current provisions have minimal State agency planning and reporting requirements. Monitoring is accomplished by FNS through management evaluation reviews. The Department requested comments on whether the planning and reporting burden for State agencies should be increased if State agencies are given greater flexibility in assessing bilingual needs and providing appropriate services.

Four State agencies opposed additional reporting requirements, and one State agency opposed any reporting requirement. Two State agencies recommended that they be given greater flexibility in monitoring the adequacy of bilingual services and one believed State agencies should be given total

responsibility for monitoring. Five public interest groups recommended that each State agency be required to submit an annual plan describing how it assesses bilingual need and how it plans to meet any assessed need. One commenter believed that public interest groups should have access to the plans. Another commenter suggested that FNS and State agencies should improve monitoring of local compliance with the bilingual service rules. Another commenter suggested that citizens and citizen groups should be able to appeal a State agency's action or failure to act in assessing or providing bilingual services. One public interest group supported greater State agency flexibility if tighter FNS review and control are also applied. One commenter stated that if State agencies were given more flexibility in administering the bilingual provisions of the Act, the Department would be legally obligated to monitor State agencies' compliance with their own standards. The commenter described this approach as needlessly complicated.

Two FNS Civil Rights Offices suggested that State agencies be required to maintain records describing how they assess bilingual need and how they are meeting such need. One commenter suggested that FNS should track and evaluate problems and local concerns and provide technical assistance. Another commenter suggested that FNS only intervene when there are well documented complaints about service provided. One commenter supported greater State agency flexibility if tightened FNS review and control are also applied.

The Department proposes to keep the current provisions in this area intact. Any additional requirements for the development and reporting on bilingual services would be inconsistent with the Congressional directive to eliminate burdensome bilingual service requirements.

Summary Sheets

The Department requested comments on whether a sheet explaining in detail the contents of each form or notice might be preferable to an exact translation of the English forms or notice. Comments were also encouraged on the administrative ease and effectiveness of providing bilingual summaries of notices. Commenters were to indicate whether they believe that the practice of providing statements in non-English languages summarizing the purpose of certain notices and certification materials should be expanded to cover other notices and certification materials.

The commenters were almost evenly divided on this issue. Three State agencies, two local agenies, two public interest groups, and one FNS Civil Rights Office opposed summary sheets. One State agency favored a more general sheet which informed the recipient that the English material contained important information about the individual's food stamp eligibility and that if the household did not understand it, the household should contact the appropriate certification office for assistance and further information.

The six commenters supporting summary sheets were in favor of FNS-supplied sheets. The commenters favoring summary sheets were three State agencies, two FNS Regional Offices, and one FNS Civil Rights Office.

The Department proposes to allow State agencies to use summary sheets that would describe the contents of each form or notice. This decision was made in order to give State agencies additional flexibility with regard to bilingual services. This detailed summary would include a statement that the household should contact the appropriate certification office for assistance and further information if the household has further questions. State agencies would be responsible for doing the actual translations. FNS would provide any technical assistance required by States.

Implementation

These proposed bilingual provisions would be effective 30 days after publication of the final rule. State agenies would implement these provisions at their own discretion.

Conclusion

The Department is offering this proposed rule in order to obtain further input and any additional suggestions related to bilingual needs. We encourage all interested parties to submit any comments they may have. All comments and suggestions will be given full consideration during the preparation of the final rulemaking.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—Social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedures, Aliens, Claims, Food stamps, Fraud, Grant programs—Social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

Accordingly, this proposed rule would amend Parts 272 and 273 as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. § 272.4(b) is amended as follows:

(a) In paragraph (b)(1), the first sentence is revised.

(b) Paragraph (b)(2) is removed; paragraphs (b)(3), (4), (5) and (6) are designated paragraphs (b)(2), (3), (4) and (5) respectively.

(c) In the newly redesignated paragraph (b)(2), the introductory sentence is revised and a paragraph (b)(2)(ii)(C) is added.

(d) Newly redesignated paragraphs (b)(3), (4) and (5) are revised.

§ 272.4 Program administration and personnel requirements.

* * * * *

(b) *Bilingual requirements.* (1) Based on the estimated total number of low-income households in a project area which speak the same non-English language (a single-language minority), the State agency shall provide bilingual Program informational materials and bilingual services (either certification materials, staff, or interpreters) as specified in paragraph (c)(2) of this section. * * *

(2) The State agency shall provide Program informational materials and bilingual services as follows:

* * * * *

(ii) * * *

(C) In lieu of bilingual certification materials the State agency may provide a summary sheet which describes the content of each form and notice.

(3) In project areas with a seasonal influx of non-English-speaking households, the State agency shall provide bilingual services if during the seasonal influx the number of single-language minority low-income households which move into the area meets or exceeds the requirements in paragraph (b)(2) of this section.

(4) If the State agency opts to use bilingual staff (or interpreters), the State agency shall insure that certification offices subject to the requirements of paragraph (b)(2) of this section provide such personnel in sufficient numbers for the timely processing of non-English-speaking applicants.

(5) The State agency shall develop estimates of the number of low-income single-language minority households for each project area and certification office by obtaining data through one or more of the following sources of information:

(i) Census data;

(ii) Knowledge of project areas and areas serviced by certification offices;

(iii) Local Bureau of Census offices, community action agencies, planning agencies, migrant service organizations, and school officials;

(iv) Surveys such as, but not limited to, a record over a period of time of the total number of single-language minority households that visit the office to make inquiries about the program, file new applications for benefits, or be recertified;

(v) Caseload statistics; and

(vi) Any other source of information which the State agency has determined to be useful in determining bilingual service needs.

* * * * *

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In § 273.15(i)(1), the second sentence is revised.

§ 273.15 Fair hearings.

* * * * *

(i) Stage agency responsibilities on hearing requests.

(1) * * * If the individual making the request speaks a language other than English and the State agency is required by § 272.4(b)(2) of this title to provide bilingual services, the State agency shall provide a bilingual staff person or interpreter and shall insure than the hearing procedures are verbally explained in that language.* * *

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps)

Dated: January 12, 1983.

Robert E. Leard,

Acting Administrator.

[FR Doc. 83-1325 Filed 1-17-83; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Parts 916 and 917

Fresh Nectarines Grown in California; Fresh Pears, Plums, and Peaches Grown in California; Order Directing That a Referendum Be Conducted; Determination of Representative Period for Voter Eligibility; and Designation of Referendum Agents To Conduct the Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among growers of nectarines, and fresh pears, plums, and peaches grown in California to determine whether they favor continuance of the marketing agreement and order programs.

DATES: Referendum period January 21 through February 5, 1983.

ADDRESSES: See information contained in **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is required to determine whether growers favor continuance of the marketing orders for nectarines, pears, plums and peaches grown in California, and will not substantially affect costs for the directly regulated handlers.

Pursuant to §§ 916.64(e) and 917.61(e), respectively, of the marketing agreements, as amended, and Order Nos. 916 and 917, as amended (7 CFR Parts 916 and 917), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted within the period January 21 through February 5, 1983, among the growers who, during the period March 1, 1982 through December 31, 1982 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of California, in the production of any fruit covered by the said amended marketing agreements and orders for market in fresh form to ascertain whether continuance of the said amended marketing orders as to such fruit is favored by the growers. Said §§ 916.64(e) and 917.61(e), respectively, specify that such a referendum shall be held within the period December 1, 1974, through February 15, 1975, and within the same period of every fourth fiscal period thereafter, to ascertain whether continuance is favored by the growers.

W. B. Blackburn and G. P. Muck, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 2424 Arden Way, Suite 65, P.O. Box 255507, Sacramento, California 95825, are hereby designated as referendum agents of the Secretary of Agriculture to conduct said referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR 900.400 et seq.).

Copies of the texts of the aforesaid amended marketing orders may be examined in the office of the referendum agents or of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum may be obtained from the referendum agents and from their appointees.

Dated: January 13, 1983.

Richard E. Lyng,

Acting Secretary.

[FR Doc. 83-1376 Filed 1-17-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 18

Proposed Customs Regulations Amendments Relating to the Entry of Explosives for Transportation and Exportation

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to permit explosives, for which an intransit license or permit has been issued by the Department of State or Bureau of Alcohol, Tobacco and Firearms, to be shipped through the United States under a transportation and exportation entry. This change is being proposed to allow importers of explosives and other prohibited merchandise that have obtained written authority to do so, to transport the articles through the United States and export them.

DATE: Comments must be received on or before March 21, 1983.

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

FOR FURTHER INFORMATION CONTACT: Darrell Kast, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5765).

SUPPLEMENTARY INFORMATION:

Background

Section 18.21(b), Customs Regulations (19 CFR 18.21(b)), provides that narcotics and other prohibited articles may be entered into the commerce of the United States for transportation and exportation only upon written authority from the proper governmental agency and/or compliance with the regulations of such agency. However, section 553, Tariff Act of 1930, as amended (19 U.S.C. 1553), provides, in part, that "Any merchandise, *other than explosives and merchandise the importation of which is prohibited*, shown by the manifest, bill of lading, shipment receipt, or other document to be destined to a foreign country, may be entered for transportation in bond through the United States by a bonded carrier without appraisement or the payment of duties and exported under such regulations as the Secretary of the Treasury shall prescribe * * *" (Emphasis supplied.) Thus, it would appear that 19 U.S.C. 1553 prohibits the in-bond transportation of explosives, even though a license or permit is issued by the proper governmental agency authorizing the movement.

Further, 22 U.S.C. 2778, relating to the control of exports and imports of defense articles and services, provides in paragraph (a) that the President is authorized to designate those items which shall be considered as defense articles and services. The items so designated constitute the U.S. Munitions List. Paragraph (b) of 22 U.S.C. 2778 provides that with certain specified exemptions, no defense articles or services on the U.S. Munitions List may be exported or imported without a license issued in accordance with the statute or regulations issued under the statute.

The Department of State regulations set forth in 22 CFR 121.20, 123.02, and 123.03, provide that items on the U.S. Munitions List temporarily entering the United States in transit to another country, shall constitute a temporary import for which a Department of State Intransit License shall be required.

Under a well-recognized principle of legislative construction, when two provisions of statutory law appear to be in conflict, but can be interpreted to be in conformity, they should be so interpreted. Section 553, Tariff Act of 1930, predates 22 U.S.C. 2778 and its predecessor statute, 22 U.S.C. 1934, and when enacted, Congress did not contemplate the licensing procedures implemented by the State Department with regard to the transportation and exportation of defense articles such as explosives.

While section 553 clearly prohibits the shipment of explosives under a Transportation and Exportation (T&E) entry, § 18.21(b), Customs Regulations, allows the transportation and exportation of prohibited merchandise upon written authority from the proper governmental agency and/or compliance with the regulations of such agency.

Accordingly, by ruling #715801 M, dated October 28, 1981, Customs has ruled that explosives, for which an intransit license has been issued by the Department of State, Office of Munitions Control, may be transported under a T&E entry (Customs Form 7512). The ruling involved a request by a Canadian manufacturer for permission to transport through the United States explosives manufactured in his plant in Canada and destined for exportation outside the United States. Most of the shipments were for North American Treaty Organization purposes. In effect, such transportation and exportation movement is made under the authority of the laws and regulations governing the agency which, in these circumstances, Customs believes overrides the prohibition set forth in 19 U.S.C. 1553. In the absence of such authorization from the governmental agency, the transportation and exportation movement would, of course, be denied.

Customs believes that the principles enunciated in that ruling should apply also to shipments of explosives authorized by the Bureau of Alcohol, Tobacco and Firearms (BATF). Thus, the issuance of the appropriate license by the Department of State or BATF would be their authorization of the requested movement of explosives under a T&E entry. Without the proposed change to section 18.21, Customs Regulations, the public would be precluded from utilizing the T&E procedures to ship explosives through the United States, and thus the license or permit issued by these agencies would be meaningless.

Therefore, to clarify the apparent statutory conflict, § 18.21 would be amended by adding a new paragraph (d) to permit explosives to be entered under a T&E entry.

Also, it is proposed to amend §18.25, Customs Regulations (19 CFR 18.25), by removing paragraph (e) which relates only to the limited situation whereby explosives are entered on arrival from a foreign port for immediate exportation bond by sea and are transferred directly from the importing to the exporting vessel for exportation. This situation would be covered in new § 18.21 (d).

List of Subjects in 19 CFR Part 18

Customs duties and inspection, Imports, Importers, Explosives.

Proposed Regulations Amendments

It is proposed to amend Part 18, Customs Regulations (19 CFR Part 18), in the following manner:

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

1. It is proposed to amend § 18.21 by adding a new paragraph (d) to read as follows:

§ 18.21. Restricted and prohibited merchandise.

* * * * * *

(d) Explosives shall not be entered for transportation and/or exportation under an immediate exportation entry, a transportation and exportation entry, or an immediate transportation entry unless the importer has first obtained a license or permit from the proper governmental agency (either the Office of Munitions Control, Department of State, or Bureau of Alcohol, Tobacco and Firearms, depending upon the type of movement desired) authorizing such transportation movement.

§ 18.25 [Amended]

2. It is proposed to amend § 18.25 by removing paragraph (e) and marking it "Reserved".

Authority

These amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 502, 624, 46 Stat. 731, as amended, 759 (19 U.S.C. 1502, 1624, 77A Stat. 14 (19 U.S.C. 1202)).

Comments

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

Executive Order 12291

Because this document will not result in a regulation which would be a "major" rule as defined by section 1(b) of E.O. 12291, a regulatory impact

analysis and review as prescribed by section 3 of the E.O. is not required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the proposed amendments are not expected to have significant secondary or incidental effects on a substantial number of small entities or impose or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the proposed amendments, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Jesse V. Vitello, Regulations Control Branch, Office of Regulations & Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William von Raab,

Commissioner of Customs.

Approved: January 5, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-1324 Filed 1-17-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

Sucrose; Proposed Affirmation of GRAS Status as a Direct Human Food Ingredient

Correction

In FR Doc. 82-32495, beginning on page 53923, in the issue of Tuesday, November 30, 1982, make the following corrections to the middle column of page 53928:

1. Correct the first bold section head under Part 182 from **§ 82.1 [Amended]** to read **§ 182.1 [Amended]** and the second bold section head from **§ 82.90 [Amended]** To read **§ 182.90 [Amended].**

2. Correct **§ 184.1854 Sucrose,** line 2, "can" should read "cane" and line 4 "*Alpha*-d-glucopyranoside" should read "*Alpha*-D-glucopyranoside".

BILLING CODE 1505-01-M

21 CFR Part 501

[Docket No. 82P-0030]

Pet Food Institute; Citizen Petition on Class and Collective Names; Advance Notice of Proposed Rulemaking; Opportunity for Public Comment

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on a citizen petition filed by the Pet Food Institute requesting that the agency establish a regulation providing for the use of class and collective names in pet food labeling in lieu of identifying each ingredient by its common or usual name.

DATE: Comments by March 21, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lea McGovern Kennedy, Bureau of Veterinary Medicine (HFV-222), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5362.

SUPPLEMENTARY INFORMATION: The Pet Food Institute (PFI), 1101 Connecticut Ave. NW., Washington, DC 20036, has petitioned FDA under provision of § 10.30 *Citizen petition* (21 CFR 10.30) to amend the labeling requirements for pet foods to expand the use of class names and permit the use of collective names for identification of ingredients. Such names would be used in lieu of listing each ingredient by its common or usual name. The regulation would be discretionary, that is, manufacturers could choose to continue following the present system of using common or usual names. PFI contends that the proposed regulation will simplify the labeling of dog and cat food products while retaining all needed information for purchases of those products. Further, PFI believes that the regulation will provide added flexibility to manufacturers in the use of byproducts in cost-effective formulation of pet foods. As a result, the cost of pet food will be reduced or stabilized, according to the petitioner.

PFI has proposed 23 new class names to be added to 10 names now provided for by 21 CFR 501.4. Each of the classes would group various forms of a particular basic ingredient, usually a recognized agricultural commodity. For example, PFI proposes that whole corn, cracked corn, ground corn, kibbled corn, and flaked screened cracked corn (each is a common or usual name) may be declared simply as "corn." In a comparable fashion, animal liver, animal liver and glandular meal, animal blood, spray-dried blood meal, conventional cooker dried or flash-dried casein, dried meat solubles, meat meal, meat and bone meal, and sodium caseinate may be declared by the class name "processed animal protein products."

The class names would, in turn, be grouped into eight collective names, each encompassing one or more of the 33 classes. The labeling would list, parenthetically, the classes of ingredients that the manufacturer might use and that would be covered by the collective name. Thus, an ingredient listing on a pet food label could appear as follows: "processed protein products (from animal protein, poultry or marine protein sources)."

Section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(i)(2)) provides that a human or animal food that is fabricated from two or more ingredients is misbranded unless its label bears the common or usual name of each such ingredient. The statute also provides that, when compliance with this requirement is impracticable, or results in deception or unfair competition, exemptions shall be established by regulation. Under this authority the commissioner has allowed certain groupings of common or usual names for ingredients of human foods (21 CFR 101.4). FDA has also, in 21 CFR 501.110, adopted collective names for ingredients of livestock and poultry feed. These names are comparable to those proposed by PFI for pet food. In addition, 21 CFR 501.4 now provides, with respect to animal food generally (both pet food and livestock feed), for groupings of common or usual names into 10 categories that are comparable to the class names proposed by PFI. Thus, the PFI proposal would expand, for pet food, the list of class names to 33. It would also establish, for the first time, collective names for pet food.

A summary of PFI's argument in support of its proposal, taken form the petition, follows.

Summary of Petitioner's Views

Dog and cat foods are generally intended to be the sole ration of the animal. They are almost universally formulated to provide "complete and

balanced" nutrition for either the entire lifetime of a pet or for specific parts of its life. In this regard, pet food is fundamentally different from human food. FDA's current labeling regulations unnecessarily prohibit the most flexible and economical use of these ingredients, and thus deny the producer, and ultimately the consumer, the benefit of least cost formulation to meet the nutritional standards claimed for the products. Existing FDA labeling regulations for human foods, however, provide a model under which the desired and appropriate flexibility can be built into pet food labeling that can achieve significant economies for the producer and thus for the consumer. These human labeling models include two levels of consolidation: the grouping under a single generic name closely related agricultural commodities that differ primarily in processing form and the listing of alternative functional ingredients so that manufacturers may shift among these ingredients without altering the basic character of the food.

The petitioner proposes to adopt both forms of labeling options for pet foods. First, it proposes the adoption of 23 new class names that would permit the simplified labeling of various agricultural ingredients under headings indicative of their agricultural source.

Second, PFI proposes the adoption of eight collective names that would give additional flexibility in the use of various ingredients. In using these names, however, producers would have to disclose the commodities (classes) from which the actual ingredients are to be chosen. Thus, while the term "processed protein products" could be used, manufacturers would have to list parenthetically which of the permitted processed protein products would potentially appear in the product. A specific container of pet food would therefore contain one or more of the processed protein products that were listed parenthetically.

In the absence of the requirement that the common or usual name of each individual ingredient be included in the labeling, pet food manufacturers could at any time choose among available ingredients in order to achieve a mix of constant nutritional quality. This approach, called "liner programming," is feasible because computer technology, coupled with knowledge of the nutritional composition of feed ingredients, permits the development of "least cost" formulas that meet guaranteed minimum nutritional claims. This approach is desirable because ingredient availability and the relative cost of the ingredients vary from time to time. As a result, the manufacturer must either continue to purchase a particular ingredient whose price is increasing, maintain alternate label stocks, or continually revise labels as the selection of ingredients changes. Each of these approaches increases the ultimate cost of the product.

In its petition, PFI projects potential consumer savings at $200 million, half resulting from direct savings to manufacturers on the costs of raw materials and label changes, and half in the form of indirect benefits that it suggests will flow to all food purchasers from the more efficient utilization of feed materials in higher return uses such as pet food rather than fertilizer.

PFI's calculation of about $100 million direct savings proceeds from estimates of $28 million savings on ingredient costs (assuming average savings of $8 per ton on dry dog food and unstated savings per ton on other pet foods) and $10 to $12 million savings on avoiding (as little as) one label change per year per product. The manufacturing level total of $40 million is then multiplied by a factor of 2.5 on the assumption that manufacturers' cost savings will be passed through in full to consumers and will be accompanied by even larger aggregate price concessions from wholesalers and retailers via application of fixed price markups.

PFI states that an additional, indirect benefit would accrue to all consumers because "more efficient utilization" of animal feed materials and cereal grains and byproducts would raise the income of farmers and processors by $22.5 million (at 1974 price levels). PFI asserts that there would be a consumer benefit "based on this amount of farm income not being added to the cost of animal and grain products intended for human use." Application of the 2.5 markup factor as before raises this to $56 million "not added to 1974–level consumer prices." The total of $156 million in claimed direct and indirect consumer level cost benefits is stated to exceed $200 million at current price levels.

Proposed Regulation

PART 501—[AMENDED]

Specifically, the petitioner requests that the following new § 501.111 be added to the regulations:

§ 501.111 Pet food labeling: class and collective names for pet food ingredients.

(a) Subject to the conditions in this paragraph, the class names set forth in paragraph (b) of this section and the collective names set forth in paragraph (c) of this section may be used in lieu of the individual ingredient names required under Section 403(i)(2) of the Act on the labels of foods for domesticated companion animals.

(1) Where required in the listing in paragraph (c), of this section the collective names shall be followed by a parenthetical showing of the alternative ingredients or sources of ingredients that the individual pet food manufacturer uses in its products, *e.g.*, "cereal grain (corn, oats, or wheat)"; "plant fiber products (from corn, rice, or soybeans)." Where the parenthetical is introduced by the term "from," the succeeding sources may omit repetitive designations such as "processed," "by-product," etc.

(2) The class or collective name is used in descending order for the weight of the ingredients covered by the class or collective name.

(3) No ingredient may appear both separately (including as part of a class name) and parenthetically as part of a collective name.

(b) The following class names may be used:[1]

(1) Skim milk, concentrated skim milk (condensed skim milk), reconstituted skim milk, and nonfat dry milk (dried skim milk) may be declared as "skim milk" or "nonfat milk."

(2) Fluid milk, concentrated milk (condensed milk), reconstituted milk, and dry whole milk (dried milk) may be declared as "milk."

(3) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "made from cultured skim milk or cultured buttermilk."

(4) Sweetcream buttermilk, concentrated sweetcream buttermilk (condensed sweetcream buttermilk), reconstituted sweetcream buttermilk, and dried sweetcream buttermilk may be declared as "buttermilk."

(5) Whey, concentrated whey (condensed whey), reconstituted whey, and dried whey may be declared as "whey."

(6) Reduced lactose whey, reduced minerals whey, whey protein concentrate, and the concentrated, condensed or dried forms of each may be declared as "whey-products."

(7) The cheeses and cheese products identified in 21 CFR, Chapter 1, Part 133, nonstandardized cheese products and dried cheese rind may be declared as "cheese."

(8) Cream, reconstituted cream, dried cream, and plastic cream (sometimes

[1] Note.—Classes 1–5 and 8–12 would be recodified, with slight changes, from 21 CFR 501.4; thus, there would be 23 new classes, and a total of 33.

known as concentrated milkfat) may be declared as "cream."

(9) Butteroil and anhydrous butterfat may be declared as "butterfat."

(10) Dried whole eggs, frozen whole eggs, and liquid whole eggs may be declared as "eggs."

(11) Dried egg whites, frozen egg whites, and liquid egg whites may be declared as "egg whites."

(12) Dried egg yolks, frozen egg yolks, and liquid egg yolks may be declared as "egg yolks."

(13) Whole barley, cracked barley, pearled barley, and ground barley may be declared as "barley."

(14) Pearled barley by-products and brewers dried grains may be declared as "barley by-products."

(15) Whole corn, cracked corn, ground corn, kibbled corn, and flaked screened cracked corn may be declared as "corn."

(16) Corn bran, corn flour, corn starch (including gelatinized) corn germ meal, wet or dry milled, corn grits, corn gluten feed, hominy feed, including solvent extracted, and corn distillers dried grains with solubles, may be declared as "corn by-products."

(17) While grain sorghum, cracked grain sorghum, ground grain sorghum and flaked grain sorghum may be declared as "grain sorghum."

(18) Grain sorghum gluten feed, grain sorghum mill feed, grain sorghum cake or meal, grain sorghum grits, grain sorghum distillers dried grains with solubles, may be declared as "grain sorghum by-products."

(19) Whole oats, crimped oats, ground oats, and mixed feed oats may be declared as "oats."

(20) Flaked oats, oat flour, oat groats, and oat meal, feeding may be declared as "oat by-products."

(21) Oat hulls, and oat mill by-products may be declared as "oat fiber product."

(22) Whole rice, cracked rice, ground rice, ground rough rice of paddy rice, chipped rice, broken rice or brewers rice may be declared as "rice."

(23) Rice bran, including solvent extracted, rice flour, rice polishings, polished rice, and brewers dried grains may be declared as "rice by-products."

(24) Rice hulls, and rice mill by-products may be declared as "rice fiber product."

(25) Whole wheat, cracked wheat, ground wheat, and flaked wheat may be declared as "wheat."

(26) Wheat bran, wheat flour, including gelatinized wheat feed flour, including gelatinized, wheat middlings, wheat mill run, wheat shorts, wheat germ meal, including defatted, wheat starch, including gelatinized, wheat red dog, and wheat distillers dried grain with solubles may be declared as "wheat by-products."

(27) Cottonseed meal or flakes, including low gossypol, mechanical or solvent extracted, may be declared as "cottonseed protein product."

(28) Brewers dried yeast, dried yeast fermentation solubles, and dried yeast fermentation product may be declared as "yeast protein product."

(29) Soybean meal, mechanical or solvent extracted, meal, dehulled solvent extracted, grits or flour, full fat, protein concentrate, isolated protein, or meal, kibbled may be declared as "soybean protein product."

(30) Soybean hulls, and soybean mill run, soybean mill feed and soybean mill by-product may be declared as "soybean fiber product."

(31) Animal liver, animal liver and glandular meal, animal blood, spray-dried, blood meal, conventional cooker dried or flash-dried, casein, dried meat solubles, meat meal, and meat and bone meal, and sodium caseinate may be declared as "processed animal protein products."

(32) Poultry by-product meal and hydrolized poultry feathers may be declared as "processed poultry protein products."

(33) Crab meal, fish meal, condensed or dried fish solubles, fish protein concentrate, and shrimp meal may be declared as "processed marine protein products."

The following collective names are proposed:

(1) "Processed protein products (from * * * sources)," including one or more of the following: processed animal protein products, processed poultry protein products, and processed marine protein products.

(2) "Cereal grains (* * *," including one or more of the following: barley, corn, grain sorghum, oats, rice, and wheat.

(3) "Cereal grain by-products (from * * *)," including one or more of the following: barley by-products, corn by-products, grain sorghum by-products, oat by-products, rice by-Products, and wheat by-products.

(4) "Milk or cheese products," including one or more of the following: milk, skim milk, buttermilk, and cheeses.

(5) "Whey products," including whey and whey-products.

(6) "Vegetable products (* * *)" including one or more of the following in all varieties and whether or not dried: beans, carrots, celery, garlic, onion, peas, potatoes, and tomatoes.

(7) "Plant fiber products (from * * *)." including one or more of the following, whether or not dried: beet pulp, corn cobs, citrus pulp or meal, kelp, oat fiber products, peanut hulls, rice fiber product, soybean fiber product, sunflower hulls and tomato pomace.

The plant source of each ingredient may be listed without the specific form of the ingredient.

(8) "Plant protein products (from * * *)," including one or more of the following: cottonseed protein product, yeast protein product, corn gluten meal, grain sorghum gluten meal, linseed meal (mechanical or solvent-extracted), peanut meal (mechanical or solvent-extracted), rapeseed meal (mechanical extracted), soybean protein product, safflower meal (mechanical or solvent-extracted), and sunflower meal (dehulled, mechanical or solvent-extracted). The plant source of each ingredient may be listed without the specific form of the ingredient.

Request for Comments

The petition raises several issues that need to be addressed before FDA can make a final decision on the feasibility of the proposal. Therefore, in accordance with § 10.30(h)(3) (21 CFR 10.30(h)(3)), the Commissioner of Food and Drugs is seeking public comment before reaching any decision on the petition. The Commissioner asks for comments from the public on all aspects of the proposal including comments in regard to the following specific matters:

1. Whether the use of common or usual names is impracticable—whether such names deceive pet food purchasers or result in unfair competition within the pet food industry.

2. Whether the proposed class names and collective terms are sufficiently informative to the pet food purchaser.

3. Whether the use of collective terms will complicate or prevent definitive diagnosis and treatment of food allergies and other disease conditions in pets.

4. Whether any level of potential cost savings would represent sufficient benefit to offset the lack of detailed ingredient identification.

The Commissioner specifically requests comments from pet food industry sources as well as other members of the public on the economic issues underlying the petition and the proposal.

The Commissioner particularly solicits information and adequately supported estimates of potential cost savings or other benefits that might realistically be expected from adoption of the proposal, including, but not limited to, any of the following topics:

1. Current size and composition of pet food market and the proportion of it that would significantly increase switching of ingredients, in terms of sales, number of products and stockkeeping units, sellers, etc., by product category.

2. Current frequency of (a) ingredient switching and corresponding label

changes and (b) label changes for other reasons.

3. Projected frequency of ingredient switching if the proposal is adopted and corresponding savings to manufacturers, taking account of possible ingredient price impacts of the assumed demand shifts.

4. Projected decrease in frequency and costs of label changes.

5. Market structure (market shares by size of firm) nationally and regionally within competitive market segments, and other evidence related to the probability of manufacturer cost savings being passed on to consumers.

6. Wholesale and retail trade price markup practices bearing on the probability that any manufacturer price decreases, multiplied by markup factors of the order of 2.5 (or any other), will be passed on to consumers.

7. Merits of the case for "indirect benefits," in particular (a) the proposition that greater flexibility in use of pet food ingredients represents more efficient utilization capable of simultaneously decreasing total manufacturer outlays on ingredients and increasing farm income, and (b) the proposition that increased farm income from some products is likely to produce lower farm prices for others.

Interested persons may, on or before March 21, 1983, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The petition and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

If, after reviewing the comments and other information available to him, the Commissioner concludes that the petition has sufficient merit, he will propose adoption of the regulation or a modified version thereof. The Commissioner issues this notice under sections 403(i) and 701(a) of the Federal Food, Drug, and Cosmetic Act and 21 CFR 10.30.

Dated: January 11, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-1303 Filed 1-13-83; 11:51 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 867

[Docket No. R-83-1057]

PHA Owned Projects—Personnel Policies and Compensation; Certification of Housing Managers

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This rule would afford Public Housing Agencies (PHAs) greater discretion about payment of cost of certification and training for their employees under the Public Housing Manager Certification Program. The present regulations contain restrictions and requirements relating to training that HUD no longer considers necessary.

DATE: Comment due date: March 21, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Wayne Hunter, Office of Public Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone number (202) 472-4703. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The present rule, § 867.307, specifies those costs incurred in obtaining certification and training which qualify as eligible PHA operating expenditures. That section states that costs of specialized training directly related to qualifying for certification and costs of general education necessary for certification, shall be includable as eligible expenditures in PHA operating budgets. Such training must be approved in writing by an Approved Certifying Organization or by HUD, and be designed to enhance the skills of the trainee for the purpose of qualifying for certification. Where the PHA wishes to pay the costs of certification for an applicant employed as of the original date of issuance of Part 867 (September 29, 1976), such costs are includable as eligible expenditures in the PHA budgets submitted to HUD.

This proposed rule would amend § 867.307 to afford PHAs more discretion regarding payment of certification and training costs. The provisions which would be affected are as follows:

(1) The detailed descriptions of types of eligible costs will be replaced by the basic standard of "reasonable costs of certification and training."

(2) The restrictions against payment of certification costs for employees hired after September 29, 1976 will be deleted.

(3) The requirement that training must be approved by HUD or an Approved Certifying Organization will be deleted.

(4) Each PHA will have discretion as to whether to pay costs of certification and training provided to enable an employee to qualify for certification for its employees out of PHA funds. However, such cost incurred by a PHA must be paid within its existing operating subsidy availability under 24 CFR Part 890 and no additional subsidy will be paid to cover such costs.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50 which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the above address.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or expert markets.

Pursuant to the provisions of U.S. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant

economic impact on a substantial number of small entities.

This rule was listed as item H-77-82 in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.156 (Lower Income Housing Assistance Program).

List of Subjects in 24 CFR Part 867

Public housing.

PART 867—[AMENDED]

Accordingly, the Department proposes to amend 24 CFR Part 867 by revising § 867.307 to read as follows:

§ 867.307 Costs of certification and related training.

Reasonable costs of certification and training provided to enable an employee to qualify for certification for any PHA employee (whether or not required to be certified under this part and including those hired after September 29, 1976) may, in the PHA's discretion, be included as eligible expenditures in the PHA's operating budget. However, such costs incurred by a PHA must be funded within its existing operating subsidy availability under 24 CFR Part 890 and no additional operating subsidy will be paid to cover the PHA's expenditures for such costs.

(Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)); sec. 6(c)(4) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437d); sec. 201(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 1437 note).)

Dated: January 6, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-1136 Filed 1-17-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-104-81]

Time for Determination of Relationship of Persons Transferring Depreciable Property

Correction

In FR Doc. 83-257 beginning on page 667 in the issue of Thursday, January 6, 1983, make the following change: On that page, the middle column, the seventh line from the bottom, the Stat. citation should read "94 Stat. 2255".

BILLING CODE 1505-01-M

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26 CFR Part 1

[LR-183-76]

Disallowance of Certain Items as Deductions for Estate and Income Tax Purposes; Withdrawal of Notice of Proposed Rulemaking

Correction

In FR Doc. 83-252 beginning on page 436 in the issue of Wednesday, January 5, 1983, make the following change: On page 437, the first column, in the paragraph designated "Withdrawal of Notice of Proposed Rulemaking", the citation to the **Federal Register** which currently reads "47 FR 55607" should read "47 FR 55697".

BILLING CODE 1505-01-M

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26 CFR Part 1

[LR-255-82]

Registration Requirements With Respect to Debt Obligations; Proposed Rulemaking

Correction

In this issue of Thursday, December 30, 1982, on page 58297, a correction to FR Doc. 82-31123 was published. The correction inadvertently cited the original publication date as "Monday, November 14, 1982". It should read "Monday, November 15, 1982".

BILLING CODE 1505-01-M

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26 CFR Parts 1, 7 and 301

Ruling Requests Relating to Certain Transfers by United States Persons to Foreign Corporations

Correction

In FR Doc. 82-35039 beginning on page 57503 in the issue of Monday, December 27, 1982, make the following changes:

1. On page 57507, the middle column, the paragraph designated "(4)", the sixth line, "37(a)(1)" should read "367(a)(1)".

2. On page 57509, the middle column, in the *Example*, the eighth line, the word "grain" should read "gain". In the ninth line, "onthe" should read "on the".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 928

Surface Mining and Reclamation Operation Under a Federal Program for Nevada; Cancellation of Public Hearing

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

ACTION: Cancellation of public hearing.

SUMMARY: The Office of Surface Mining (OSM) is announcing the cancellation of the public hearing scheduled on the proposed Federal Program for surface coal mining because no requests were received by January 7, 1983, to testify at that hearing. See 47 FR 47792. The Director of the Office of Surface Mining has determined that no hearings are necessary and, in the interest of cost savings, is hereby cancelling the hearing which was scheduled for January 13, 1983, in Reno, Nevada.

This notice cancels the public hearing but does not alter the comment period during which interested persons may submit written comments on the proposed Federal program.

DATES: The following hearing is cancelled:

The public hearing on the proposed Federal program for the regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian Lands in Nevada originally scheduled for January 13, 1983.

Written comments must be received on or before 5:00 p.m., on January 18, 1983, to be considered.

ADDRESS: Written comments should be mailed or hand delivered to: Administrative Record Room (R&I-28), Office of Surface Mining, New Mexico Field Office, 219 Central Avenue NW., Albuquerque, New Mexico 87102

FOR FURTHER INFORMATION CONTACT: James M. Kress, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343-5866.

SUPPLEMENTARY INFORMATION: On October 27, 1982, the Office of Surface Mining proposed a Federal program for the State of Nevada in the **Federal Register** which would regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in Nevada. The proposed Federal program provided for a public hearing to be held to receive

comments. It further provided that if no person indicated an intention to testify by January 7, 1983, the hearing would be cancelled. As of close of business on January 7, no persons had contacted OSM indicating that they wished to testify. Therefore, the Director of OSM is cancelling the hearing.

While there will be no public hearing in Reno, Nevada, interested persons may still submit written comments on the proposed Federal program. Written comments must be received on or before 5:00 p.m., on January 18, 1983, to be considered.

Dated: January 11, 1983.

William B. Schmidt,

Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 83-1228 Filed 1-13-83; 3:27 pm]

BILLING CODE 4310-05-M

POSTAL SERVICE

39 CFR Part 111

Virgin Islands; Mail Security Regulations

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: In accordance with a recently-enacted statute, the Postal Service proposes to amend its regulations to authorize its employees to assist Virgin Islands tax collection officials. The new statute authorizes the Postal Service to permit the tax collection officials to record the names and addresses on mail parcels appearing to contain taxable merchandise originating outside the islands that are to be delivered in the islands. This assistance is the same as that which is being provided to tax officials in Puerto Rico in accordance with law and postal regulations. No mail would be permitted to be opened, delayed, or interfered with under this rule.

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

ADDRESS: Written comments should be sent to the Assistant General Counsel, Special Projects Division, Law Department, U.S. Postal Service, Washington, D.C. 20260-1116. Comments will be available for public inspection and photocopying outside Room 9010, 475 L'Enfant Plaza West, SW., Washington, D.C. from 9 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Charles R. Braun or Robert Kaneda, (202) 245-4620.

SUPPLEMENTARY INFORMATION: The proposed regulation would implement the Postal Service's responsibilities under Pub. L. No. 97-357, which was signed by the President on October 19, 1982. Section 302 of this act amends section 405 of Pub. L. No. 96-205 (94 Stat. 84, 89) (1980) to state that "officials of the Customs and Postal Services of the United States are directed to assist the appropriate officials of the United States Virgin Islands in the collection of [excise] taxes." Although the law does not specify the assistance to be rendered, its legislative history indicates that the Postal Service is expected only to allow "Virgin Islands tax collection officials to inspect the outside cover of parcels entering the Virgin Islands in the mails and to record the information thereon for purposes of collecting excise taxes payable at the time of importation for certain goods arriving through the mails." [1] The Senate report further states that "[n]o interference or delay in the delivery of mail would be contemplated or authorized by [section 302]." [2] The same assistance is rendered to the Commonwealth of Puerto Rico under a law written in nearly identical terms, 48 U.S.C. 741(a) (1976), which is implemented by a nearly identical postal regulation to the one here proposed, Domestic Mail Manual ("DMM") 115.96, *incorporated by reference*, 39 CFR 111.1 (1982). [3]

Present postal mail security regulations prohibit employees from disclosing "information on the outside cover of any piece of mail; information obtained from any inspection of the contents of mail; or any other information which concerns any mail sent or received by any particular sender, addressee, or group of senders or addresses, which the employee obtains or controls in the performance of his official duties." [4]

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**, see 39 CFR 111.1.

[1] S. Rep. No. 372, 97th Cong., 2d Sess. 9 (1982).

[2] *Id.* at 5.

[3] "Under 48 U.S.C. 741a, postal employees in any post office in the Commonwealth of Puerto Rico are authorized to permit excise tax collection officials of the Commonwealth to record for tax collection purposes the names and addresses that appear on the exterior of all incoming parcels which appear to contain taxable items, except those sent by registered mail. A postal employee must be present during such recording and no mail may be opened, detained, or delayed for this purpose."

[4] DMM 115.5.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Revise the Domestic Mail Manual as follows:

Part 115—Mail Security

In 115.9, revise .96 to read as follows:

.96 **Excise Tax Collection in the Commonwealth of Puerto Rico and the United States Virgin Islands.** Under 48 U.S.C. 741(a) and 48 U.S.C. 1574, respectively, postal employees in any post office in the Commonwealth of Puerto Rico and the United States Virgin Islands are authorized to permit local excise tax officials to record for tax collection purposes the names and addresses that appear on the exterior of all incoming parcels which appear to contain taxable items, except those sent by registered mail. A postal employee must be present during such recording and no mail may be opened, detained, or delayed for this purpose.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401, 403, 3623(d))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-1212 Filed 1-17-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AMS-FRL-2287-2]

Motor Vehicle Emission Factors

AGENCY: Environmental Protection Agency.

ACTION: Notice of public workshop.

SUMMARY: This notice announces a public workshop which the Environmental Protection Agency will hold regarding possible revisions to the Agency's motor vehicle emission factors and the computer program MOBILE2 used to calculate composite emission factors for vehicle fleets. These emission factors are used by States in preparing State Implementation Plan revisions and by others engaged in determining the air quality impact of motor vehicles. The Agency's purpose in holding this workshop is to meet with those parties potentially possessing information which would be of use in revising the emission factors and to allow all interested parties to participate informally in the revision process.

DATES: The workshop is being held on January 26 and 27, 1983 at 9:00 a.m.

ADDRESS: The workshop will be held at EPA's Motor Vehicle Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan 48105.

FOR FURTHER INFORMATION CONTACT: Lois Platte (313) 668–4306 or Phil Lorang (313) 668–4374, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105.

SUPPLEMENTARY INFORMATION: EPA's current estimates of emission factors for motor vehicles are contained in the report "Compilation of Air Pollutant Emission Factors: Highway Mobile Sources," March 1981 (EPA–460/3–81–005). The emission factors arithmetical procedures for combining them into an estimate of the composite emission factors for a motor vehicle fleet have been automated in the computer program MOBILE2. The report and computer program were developed in 1980, and EPA perceives that in the intervening period enough additional information has become available to warrant consideration of revisions to both.

Although EPA is not required to invite public participation during the revision of the motor emission factors, EPA believes a series of public workshops will facilitate EPA's revision process by enabling EPA to receive valuable technical information in a timely fashion and to receive suggestions from those parties who may otherwise be interested in the revision process and its outcome.

The workshop announced here will be the first of a series. At this first workshop, EPA would like to discuss and list with the help of the participants all of the aspects of the emission factors model which could be considered for revision. There are many such aspects, such as the basic emission factors for standard test conditions for each vehicle type and model year; the correction factors to adjust for non-standard conditions of speed, temperature, and humidity; and the estimates of the mix of vehicle types and model years in the national fleet. For each of these and other aspects, there are numerous issues and questions which could be addressed anew based on all currently available information or alternatively could be treated as they have been in the existing emission factors. EPA would like the workshop to list each such issue and question, identify what information is now available to address each issue or question or could be made available within the next twelve months or so, and discuss the participants' suggestions for the priority of re-addressing each issue or question anew. Because of the technical nature of the agenda, participants should be familiar with the existing emissions factors and MOBILE 2 to most fully contribute to the discussions.

If time permits, there will be a more extended discussion of emission factor issues for heavy-duty vehicles, specifically to discuss available information which could be used in revising these emission factors and possible joint EPA-industry efforts to obtain more information.

This workshop will discuss the merits of each issue or question. The discussion will be technical and not policy oriented. Once the important issues are identified at this workshop, future workshops will be scheduled to discuss related issues in more depth. This workshop also will not discuss the programming aspects of the MOBILE2 computer program, such as its interface with other programs used in preparing emission inventories and air quality plans, and the language and equipment requirements of the program. A workshop may be scheduled at a later date to meet with parties interested in these areas in particular.

No rulemaking action is anticipated in connection with the revisions that will be the subject of this workshop. Consequently, the workshop will be very informal. There will be no opportunity for prepared statements in general, although prepared remarks will be welcome on specific issues as those are brought up for discussion. Although no public docket will be kept, written submissions are welcome at any time and may be brought to the workshop or mailed to Lois Platte or Phil Lorang at the address set out above. EPA also invites participants to submit in advance of the workshop lists of issues they regard as important. EPA will combine all lists received with lists generated by EPA staff, and will use the combined list as a focal point for discussion during the workshop. Participants should send such lists to Lois Platte or Phil Lorang at the address set out above.

The Agency in addition requests that all persons planning to attend the workshop contact Lois Platte or Phil Lorang.

Dated: January 12, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 83-1485 Filed 1-17-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 158

[Opp-30063; PH-FRL 2147-4]

Pesticides Registration; Proposed Data Requirements

Correction

In FR Doc. 82–31904 beginning on page 53192 in the issue of Wednesday, November 24, 1982, the following sections contained errors in the tables and are being reprinted as corrected below:

Section	Page
§ 158.130	53209
§ 158.135	53210
§ 158.140	53211
§ 158.145	53212
§ 158.155	53213
§ 158.160	53214
§ 158.165 (first table)	53214

BILLING CODE 1505-01-M

§ 158.130 Environmental fate data requirements.

(a) TABLE.—SECTIONS 158.50 AND 158.100 DESCRIBE HOW TO USE THIS TABLE TO DETERMINE THE ENVIRONMENTAL FATE DATA REQUIREMENTS AND THE SUBSTANCES TO BE TESTED.

Kind of data required	(b) Notes	Environmental fate data requirements; general use patterns									Test substance		Guideline reference No.
		Terrestrial		Aquatic		Greenhouse		Forestry	Domestic outdoor	Indoor	Data to support MP	Data to support EP	
		Food crop	Nonfood	Food crop	Nonfood	Food crop	Nonfood						
Degradation studies-lab													
Hydrolysis		[R]	[R]	[R]	[R]	[R]	[R]	[R]	[R]		TGAI or PAIRA	TGAI or PAIRA	161-1
Photodegradation:													
In water		R	R	R	R			R			TGAI or PAIRA	TGAI or PAIRA	161-2
On soil	(1)	CR						CR			TGAI or PAIRA	TGAI or PAIRA	161-3
In air	(2)	CR									TGAI or PAIRA	TGAI or PAIRA	161-4
Metabolism studies-lab													
Aerobic soil		[R]	[R]			R	R	[R]	R		TGAI or PAIRA	TGAI or PAIRA	162-1
Anaerobic soil	(3)	R									TGAI or PAIRA	TGAI or PAIRA	162-2
Anaerobic aquatic				R	R						TGAI or PAIRA	TGAI or PAIRA	162-3
Aerobic aquatic				[R]	[R]						TGAI or PAIRA	TGAI or PAIRA	162-4
Mobility studies													
Leaching (adsorption/desorption)		R	R	R	R	R	R	R	R		TGAI or PAIRA	TGAI or PAIRA	163-1
Volatility:													
(Lab)	(2)	CR				CR	CR				TEP	TEP	163-2
(Field)	(2)	CR				CR	CR				TEP	TEP	163-3
Dissipation studies-field													
Soil		R	R						R		TEP	TEP	164-1
Aquatic (sediment)				R	R						TEP	TEP	164-2
Forestry								R			TEP	TEP	164-3
Combination and tank mixes	(2)												164-4
Soil, long-term	(4)	CR		CR							TEP	TEP	164-5
Accumulation studies													
Rotational crops:													
(Confined)	(5)	[CR]		[CR]							PAIRA	PAIRA	165-1
(Field)	(6)	CR		CR							TEP	TEP	165-2
Irrigated crops	(7)			CR	CR						TEP	TEP	165-3
In fish	(8)	[CR]	[CR]	[CR]	[CR]			[CR]			TGAI or PAIRA	TGAI or PAIRA	165-4
In aquatic nontarget organisms	(8), (9)				CR			CR			TEP	TEP	165-5

Key: R = Required; CR = Conditionally required; [ ] = Brackets (i.e. [R], [CR]) indicate requirements that apply when an experimental use permit is being sought; TGAI = Technical grade of the active ingredient; PAIRA = "Pure" active ingredient-radio labeled; TEP = Typical end-use product; EP = End-use product.

(b) NOTES.—The following notes are referenced in column two of the table contained in paragraph (a) of this section.

(1) Not required if use involves application to soils solely by injection of the product into the soil or by incorporation of the product into the soil upon application.
(2) Required on case by case basis depending on product use pattern and other pertinent factors.
(3) Not required if anaerobic aquatic metabolism study has been conducted.
(4) Required if pesticide residues do not readily dissipate in soil.
(5) Confined accumulation study is required when it reasonably foreseeable that any food or feed crop may be subsequently planted on the site of pesticide application.
(6) Field accumulated study is required if significant pesticide residue is likely to be present in soil at time of plant crop, as evidenced by residue data obtained from confined accumulation study.
(7) Required if it is resonably foreseeable that water at treated site may be used for irrigation purposes.
(8) Required if significant concentrations of the active ingredient and/or its principal degradation products are likely to occur in aquatic environments and may accumale in aquate organisms.
(9) Required unless tolerance or action level for fish has been granted.

§ 158.135 Toxicology data requirements

(a) TABLE.—SECTIONS 158.50 AND 158.100 DESCRIBE HOW TO USE THIS TABLE TO DETERMINE THE TOXICOLOGY DATA REQUIREMENTS AND THE SUBSTANCE TO BE TESTED

Kind of data required	(b) Notes	Toxicology data requirements; general use patterns									Test substance		Guideline reference No.
		Terrestrial		Aquatic		Greenhouse		Forestry	Domestic outdoor	Indoor	Data to support MP	Data to support EP	
		Food crop	Nonfood	Food crop	Nonfood	Food crop	Nonfood						
Acute testing													
Oral LD_{50}—rat	(1)	[R]	[R]	[R]	[R]	[R]	[R]	[R]	[R]	[R]	MP & TGAI	EP* or EP dilution* & TGAI	81-1
Dermal LD_{50}	(1), (2)	[R]	[R]	[R]	[R]	[R]	[R]	[R]	[R]	[R]	MP & TGAI	EP* or EP dilution* & TGAI	81-2
Inhalation LC_{50}—rat	(16)	[R]	[R]	[R]	[R]	[R]	[R]		[R]	[R]	MP & TGAI	EP* & TGAI	81-3
Primary eye irritation—rabbit	(2)	[R]	[R]	[R]	[R]	[R]	[R]	R	[R]	[R]	MP	EP*	81-4
Primary dermal irritation	(1), (2)	[R]	[R]	[R]	[R]	[R]	[R]	R	[R]	[R]	MP	EP*	81-5
Dermal sensitization	(3)	[R]	[R]	[R]	[R]	[R]	[R]	R	[R]	[R]	MP	EP*	81-6
Acute delayed: Neurotoxicity—hen	(4)	[R]	[R]	[R]	[R]	[R]	[R]	R	[R]	[R]	TGAI	TGAI	81-7
Subchronic testing													
90-day feeding—rodent, nonrodent	(17)	[R]		[R]		[R]				CR	TGAI	TGAI	82-1
21-day dermal	(18)	CR	CR	CR	CR	CR	CR	CR	CR	CR	TGAI	TGAI & EP*	82-2

(a) TABLE.—SECTIONS 158.50 AND 158.100 DESCRIBE HOW TO USE THIS TABLE TO DETERMINE THE TOXICOLOGY DATA REQUIREMENTS AND THE SUBSTANCE TO BE TESTED—Continued

Kind of data required	(b) Notes	Toxicology data requirements; general use patterns									Test substance		Guideline reference No.
		Terrestrial		Aquatic		Greenhouse		Forestry	Domestic outdoor	Indoor	Data to support MP	Data to support EP	
		Food crop	Nonfood	Food crop	Nonfood	Food crop	Nonfood						
90-day dermal	(5), (19)	CR	CR	CR	CR	CR	CR	CR	CR	CR	TGAI	TGAI	82-3
90-day inhalation—rat	(6)	CR	CR	CR	CR	CR	CR	CR	CR	CR	TGAI	TGAI	82-4
90-day neurotoxicity		CR	CR	CR	CR	CR	CR	CR	CR	CR	TGAI	TGAI	82-5
Hen	(7)												
Mammal	(8)												
Chronic testing													
Chronic feeding—2 spp. rodent and nonrodent	(9), (13), (20)	[R]	CR	[R]	CR	[R]	CR	CR	CR	CR	TGAI	TGAI	83-1
Oncogenicity study—2 spp. rat and mouse preferred	(9), (21)	R	CR	R	CR	R	CR	CR	CR	CR	TGAI	TGAI	83-2
Teratogenicity—2 species	(10), (15)	[R]	CR	[R]	CR	[R]	CR	CR	CR	CR	TGAI	TGAI	83-3
Reproduction, 2-generation	(11), (14)	[R]	CR	[R]	CR	[R]	CR	CR	CR	CR	TGAI	TGAI	83-4
Mutagenicity testing													
Gene mutation	(22)	[R]	CR	[R]	CR	[R]	CR	CR	CR	CR	TGAI	TGAI	84-2
Chromosomal aberration	(22)	[R]	CR	[R]	CR	[R]	CR	CR	CR	CR	TGAI	TGAI	84-2
Other mechanisms of mutagenicity	(22)	[R]	CR	[R]	CR	[R]	CR	CR	CR	CR	TGAI	TGAI	84-4
Special testing													
General metabolism	(23)	R	CR	R	CR	R	CR	CR	CR	CR	PAI or PAIRA	PAI or PAIRA	85-1
Special requirement													
Domestic animal safety	(12)	CR	CR	CR	CR			CR	CR		Choice	Choice	86-1

Key: R = Required data; CR = Conditionally required; [ ] = Brackets (i.e. [R], [CR]) indicate data requirements that apply when an experimental use permit is being sought; MP = Manufacturing-use product; EP = End-use product (asterisk indicates that registrants of end-use products formulated from registered manufacturing-use products are responsible for submission of this data); TGAI = Technical grade of the active ingredient; PAI = "Pure" active ingredient; PAIRA = "Pure" active ingredient, radio-labeled; Choice = Choice of several test substances, depending on studies required.

(b) NOTES.—The following notes are referenced in column two of the table contained in paragraph (a) of this section.

(1) Not required if test material is a gas or highly volatile.

(2) Not required if test material has pH less than 2 or greater than 11.5; such a product will be classified as toxicity category I on the basis of potential eye and dermal irritation effects.

(3) Not required if repeated contact with human skin does not result under condition of use.

(4) Not required unless test material, is an organophosphate, or a metabolite or degradation product there of which causes acetyl cholinesterase depression or is structurally related to a substance that causes delayed neurotoxicity.

(5) Required if use involves purposeful dermal application to, or prolonged exposure of, human skin.

(6) Required if use may result in repeated inhalation exposure at a concentration likely to be toxic. A test with duration of 21 days is required if pesticide is used on tobacco.

(7) Required if acute delayed neurotoxicity test showed neuropathy or neurotoxicity or if closely related structurally to a compound which can induce these effects.

(8) Required if acute oral, dermal, or inhalation studies showed neuropathy or neurotoxicity.

(9) Studies designed to simultaneously meet the requirements of both the chronic feeding and oncogenicity studies can be conducted. If the pesticide is used on food, the chronic rodent feeding study must be least 24 months and the chronic nonrodent (i.e., dog) feeding study must be at least 12 months. For non-food uses, a duration of at least 12 months for the chronic rodent feeding study would usually be sufficient.

(10) Required to support products intended for food uses and to support products intended for non-food uses if significant exposure of human females of child bearing age may reasonably be expected.

(11) Required to support products intended for food uses and to support products intended for non-food uses if use of the product is likely to result in human exposure over a portion of the human lifespan which is significant in terms of the frequency of exposure, magnitude of exposure, or the duration of exposure (for example; pesticides used in treated fabrics for wearing apparel, diapers, or bedding; insect repellents applied directly to human skin; swimming pool additives; constant-release indoor pesticides which are used in aerosol form).

(12) Required on a case by case basis.

(13) In most cases, where theoretical maximum residue contribution (TMRC) exceeds 50% of the maximum permitted intake (MPI), a one year (or longer) interim report on a chronic feed study is required to support a temporary tolerance.

(14) In most cases, where theoretical maxium residue contribution (TMRC) exceeds 50% of the maximum permitted intake (MPI), a first generation (or longer) interim report on a multigeneration reproduction study is required to support a temporary tolerance.

(15) A terotology study in one species is required to support a temporary tolerance.

(16) Required on a case-by-case basis to support registration of products for indoor use.

(17) Required if intended use(s) of the pesticide product is expected to result in human exposure to the product, under the following conditions:

(i) Human exposure is via the oral route; and

(ii) Expected human exposure is over a limited portion of the human lifespan, yet is significant in terms of the frequency of exposure, magnitude of exposure, or the duration of exposure (for example, products requiring a temporary tolerance to support an experimental use permit or emergency exemption.

(18) Required if intended use(s) of the pesticide product is expected to result in human exposure to the product, under the following conditions:

(i) Human exposure is via skin contact.

(ii) Expected human skin contact is not purposeful, and such exposure is of limited frequency and duration (for example, such exposure could result from use of certain disinfectant, liquid fumigant or agricultural or home/garden pesticide products; and other circumstances where the Agency determines that more than acute dermal exposure is at issue); and

(iii) Data from a subchronic 90-day dermal toxicity study are not required.

(19) Required if pesticidal use will involve purposeful application to the human skin or will result in comparable human exposure to the product, (e.g., swinning pool algaecides, pesticides for impregnating clothing), and if either of the following criteria are met:

(i) Data from a subchronic oral study are not required; or

(ii) The active ingredient of the product is known or expected to be metabolized differently by the dermal route of exposure than by the oral route, and a metabolite of the active ingredient is the toxic moiety.

(20) Required if either of the following criteria are met:

(i) Use of the pesticide product is likely to result in repeated human exposure to the product, products over a significant portion of the human life-span (for example, products intended for use in and around residences, swimming pools, and enclosed working spaces or their immediate vicinity); or

(ii) The use requires a tolerance for the pesticide or an exemption from the requirement to obtain a tolerance, or requires issuance of a food additive regulation.

(21) Required if any of the following criteria are met:

(i) The active ingredient(s) or any of its (their) metabolites, degradation products, or impurities:

(A) Is structurally related to a recognized carcinogen; or

(B) Is a substance that cause mutagenic effect as demonstrated by *in vitro* or *in vitro* testing; or

(C) Produces in subchronic studies a morphologic effect (e.g., hyperplasia, metaplasia) in any organ that may lead to neoplastic change;

(ii) The use requires a tolerance for the pesticide or exemption from the requirement to obtain a tolerance, or requires the issuance of a food additive regulation; or

(iii) Use of the pesticide product is likely to result in human exposure over a portion of the human lifespan which is significant in terms of either the time the exposure occurs or the duration of exposure (for example; pesticides used in treated fabrics for wearing apparel, diapers, or bedding; insect repellants applied diretly to human skin; swimming pool additives; constant-release indoor pesticides which are used in aerosol form).

(22)(i) Required if any of the following criteria are met:

(A) The pesticide product is to be used on food or feed; or

(B) The pesticide product is likely to result in significant human exposure, or

(C) The active ingredient(s) or any of its (their) metabolites is structurally related to a mutagen or oncogen, or belongs to any chemical class of compounds containing mutagens or oncogens.

(ii) The required battery of mutagenicity tests must include tests appropriate to address the following three categories in accordance with the objectives set forth in § 158.105.

(A) gene mutations.

(B) structural chromosomal aberrations.

(C) other genotoxic effects as appropriate for the test substances, e.g., numerical chromosome abberations, direct DNA damage and repair.

(iii) Currently recognized tests for each of these categories are listed with the National Technical Information Service (NTIS). Selection of tests within the battery shall be supported, taking into account the limitations of the individual assay. Because of the rapid improvements in this field, registrants are encouraged to discuss with the Agency: testing battery selection, protocol design and results of preliminary testing.

(23) Required if chronic feeding and oncogenicity studies are required.

§ 158.140 Reentry protection data requirements

(a) TABLE.—SECTIONS 158.50 AND 158.100 DESCRIBE HOW TO USE THIS TABLE TO DETERMINE THE REENTRY PROTECTION DATA REQUIREMENTS AND THE SUBSTANCE TO BE TESTED

Kind of data required	(b) Notes	Reentry protection data requirements; general use patterns									Test substance		Guideline reference No.
		Terrestrial		Aquatic		Greenhouse		Forestry	Domestic outdoor	Indoor	Data to support MP	Date to support EP	
		Food crop	Nonfood	Food crop	Nonfood	Food crop	Nonfood						
Foliar dissipation	(1)	CR	CR	CR	CR			CR			TEP	TEP	132-1
Soil dissipation	(1), (4)	CR	CR	CR	CR			CR			TEP	TEP	132-1
Dermal exposure	(1), (2), (3)	CR	CR	CR	CR			CR			TEP	TEP	133-3
Inhalation exposure	(1), (2), (3)	CR	CR	CR	CR			CR			TEP	TEP	133-4

Key: CR = Conditionally Required; TEP = Typical end-use product.

(b) NOTES.—The following notes are referenced in column two of the table contained in paragraph (a) of this section.

(1) Data are required if the following conditions are met:

(i)(A) The acute dermal LD_{50} of the technical grade of active ingredient is less than 200 mg/kg (body weight); or (B) the acute inhalation LC_{50} of the technical grade of active ingredient is less than 200 mg/m³ (for a one-hour exposure); or (C) the acute oral LD_{50} of the technical grade of active ingredient is less than 50 mg/kg (body weight); or (D) neurotoxic, teratogenic, or oncogenic effect or other adverse effects as evidenced by subchronic, chronic, and reproduction studies would be expected entry of persons into treated sites; or (E) the Agency receives other scientifically validated toxicological or epidemiological evidence that a pesticide or residue of a pesticide could cause adverse effects to persons entering treated sites. In the last situation, reentry intervals and supporting data may be required on a case-by-case basis.

(ii) And if: end-use product is to be registered for: (A) Application to growing crops, such as to or around horticultural and agronomic crops that are field- or orchard-grown; (B) application to outdoor tree nursery and forestry operations; (C) application to turf crops and commercial applications to turf; (D) application to parks and arboretums; or (E) application to aquatic crops.

(iii) And if: human exposure to residues of the pesticide can be reasonably foreseen. This applies primarily to pesticides that will be used on crops where human tasks will involve substantial exposure to residues of the pesticide.

(2) Data required if appropriate surrogate data are not available.

(3) Data required if the applicant chooses to use the allowable exposure level method for proposal of a reentry interval.

(4) Soil dissipation data required if agricultural practice involves human tasks that would cause substantial exposure to residues sorbed to soil.

§ 158.145 Wildlife and aquatic organism data requirements

(a) TABLE.—SECTIONS 158.50 AND 158.100 DESCRIBE HOW TO USE THIS TABLE TO DETERMINE THE WILDLIFE AND AQUATIC ORGANISMS DATA REQUIREMENTS AND THE SUBSTANCE TO BE TESTED

Kind of data required	(b) Notes	Wildlife and aquatic organisms data requirements; general use patterns									Test substance		Guideline reference No. 1
		Terrestrial		Aquatic		Greenhouse		Forestry	Domestic outdoor	Indoor use	Data to support MP	Data to support EP	
		Food crop	Nonfood	Food crop	Nonfood	Food crop	Nonfood						
Avian and Mammalian Testing													
Avian oral LD_{50}	(1)	[R]	[R]	[R]	[R]	CR	CR	[R]	[R]	CR	TGAI	TGAI	71-1
Avian dietary LC_{50}	(1)	[R]	[R]	[R]	[R]	CR	CR	[R]	[R]	CR	TGAI	TGAI	71-2
Wild mammal toxicity	(2)	CR	CR	CR	CR			CR	CR		TGAI	TGAI	71-3
Avian reproduction	(3)	CR	CR	CR	CR			CR	CR		TGAI	TGAI	71-4
Simulated and actual field testing—mammals and birds.	(2)	CR	CR	CR	CR			CR	CR		TEP	TEP	71-5
Aquatic Organism Testing													
Freshwater fish LC_{50}	(1), (7)	[R]	[R]	[R]	[R]	CR	CR	[R]	[R]	CR	TGAI	TGAI	72-1
Acute LC_{50} freshwater invertebrates.	(1), (7)	[R]	[R]	[R]	[R]	CR	CR	[R]	[R]	CR	TGAI	TGAI	72-2
Acute LC_{50} estuarine and marine organisms.	(4), (7)	CR	CR	CR	CR			CR	CR		TGAI	TGAI	72-3
Fish early life* stage and aquatic invertebrate life-cycle.	(5)	CR	CR	CR	CR			CR	CR		TGAI	TGAI	72-4
Fish—Life-cycle	(6)	CR	CR	CR	CR			CR	CR		TGAI	TGAI	72-5
Aquatic organism accumulation.	(2)	CR	CR	CR	CR			CR	CR		TGAI, PAI, or degradation product.	TGAI, PAI, or degradation product.	72-6
Simulated or actual field testing—aquatic organisms.	(8)	CR	CR	CR	CR			CR	CR		TEP	TEP	72-7

Key: R = Required; CR = Conditionally Required; [] = Brackets (i.e. [R], [CR] indicative data requirements that apply when an experimental use permit is being sought; TGAI = Technical grade of the active ingredient; TEP = Typical end-use product; PAI = "Pure" active ingredient.

(b) NOTES.—The following notes are referenced in column two of the table contained in paragraph (a) of this section.

(1) Tests for pesticides intended solely for indoor application will be required on a case-by-case basis, depending on use pattern, production volume, and other pertinent factors.

(2) Tests required on a case-by-case basis depending on the results of lower tier studies such as acute and subacute testing, intended use pattern, and pertinent environmental fate characteristics.

(3) Data required if one or more of the following criteria are met:

(i) Birds may be subjected to repeated or continued exposure to the pesticide or any of its major metabolites or degradation products, especially preceding or during the breeding season;

(ii) The pesticide or any of its major metabolites or degradation products are stable in the environment to the extent that potentially toxic amounts may persist in avian feed;

(iii) The pesticide or any of its major metabolites or degradation products is stored or accumulated in plant or animal tissues, as indicated by its octanol/water partition coefficient, accumulation studies, metabolic release and retention studies, or as indicated by structural similarity to known bioaccumulative chemicals.

(iv) Any other information, such as that derived from mammalian reproduction studies that indicates that reproduction in terrestrial vertebrates may be adversely affected by the anticipated use of the pesticide product.

Note: Prior to conducting this test to support the registration of an avicide, the applicant should consult the Agency.

(4) Data required if the product is intended for direct application to the estuarine or marine environment, or the product is expected to enter this environment in significant concentrations because of its expected use or mobility pattern.

(5) Data from fish early life-stage tests or life-cycle tests with aquatic invertebrates (on whichever species is most sensitive to the pesticide as determined from the results of the acute toxicity tests) are required if: the product is applied directly to water or expected to be transported to water from the intended use site, and when any one or more of the following conditions apply:
(i) If the pesticide is intended for use such that its presence in water is likely to be continuous or recurrent regardless of toxicity; or
(ii) If any LC_{50} or EC_{50} value determined in acute toxicity testing is less than 1 mg/l; or
(iii) If the estimated environmental concentration in water is equal to or greater than 0.01 of any EC_{50} or LC_{50} determined in acutue toxicity testing; or
(iv) If the actual or estimated environmental concentration in water resulting from use is less than 0.01 of any EC_{50} or LC_{50} determined in acute toxicity testing and of the following conditions exist:
(A) Studies of other organisms indicate the reproductive physiology of fish and/or invertebrates may be affected; or
(B) Physiochemical properties indicate cumulative effects; or
(C) The pesticide is persistent in water (e.g., half-life in water greater than 4 days).
(6) Data are required if end-use product is intended to be applied directly to water or expected to transport to water from the intended use site, and when any of the following conditions apply:
(i) If the estimated environmental concentration is equal to or greater than one-tenth of the no-effect level in the fish early life-stage or invertebrate life-stage or invertebrate life-cycle test; or
(ii) If studies of other organisms indicate the reproductive physiology of fish may be affected.
(7) Data from testing with the applicant's end-use product or a typical end-use product is required to support the registration of each end-use product which meets any one of the following conditions:
(i) the end-use pesticide will be introduced directly into an aquatic environment when used as directed;
(ii) The LC_{50} or EC_{50} of the technical grade of active ingredient is equal to or less than the maximum expected environmental concentration (MEEC) or the estimated environmental concentration (EEC) in the aquatic environment when the end-use pesticide is used as directed; or
(iii) An ingredient in the end-use formulation other than the active ingredient is expected to enhance the toxicity of the active ingredient or to cause toxicity to aquatic organisms.
(8) Required if significant concentrations of the active ingredient and/or its principal degradation products are likely to occur in aquatic environments and may accumulate in aquatic organisms.

§ 158.155 Nontarget insect data requirements.

(a) TABLE.—SECTIONS 158.50 AND 158.100 DESCRIBE HOW TO USE THIS TABLE TO DETERMINE THE NONTARGET INSECT DATA REQUIREMENTS AND THE SUBSTANCE TO BE TESTED

Kind of data required	(b) Notes	Nontarget insect data requirements; general use patterns									Test substance		Guideline reference No.
		Terrestial		Aquatic		Greenhouse		Forestry	Domestic outdoor	Indoor use	Data to support MP	Data to support EP	
		Food crop	Nonfood	Food crop	Nonfood	Food crop	Nonfood						
Nontarget insect testing—pollinators													
Honey bee acute contact LD_{50}	(1)	[R]	[R]	[R]	[R]			[R]	[R]		TGAI	TGAI	141-1
Honey bee—toxicity of residues on foliage.	(1), (2)	CR	CR	CR	CR			CR	CR		TEP	TEP	141-2
Wild bees important in alfalfa pollination—toxicity of residues on foliage.	(3)	CR									TEP	TEP	141-3
Honey bee subacute feeding study (reserved).													141-4
Field testing for pollinators	(4)	CR	CR	CR	CR			CR	CR		TEP	TEP	141-5
Nontarget insect testing—aquatic insects													
Acute toxicity to aquatic insects (reserved).													142-1
Aquatic insect life-cycle study (reserved).													142-1
Simulated or actual field testing for aquatic insects (reserved).													142-3
Nontarget insect testing—predators and parasites (reserved).													143-1—143-3

Key: CR = Conditionally required; R = Required; [ ] = Brackets (ie [R], [CR]) indicate data requirements that apply to products for which an experimental use permit is being sought; TGAI = Technical grade of the active ingredient; TEP = Typical end-use product.

(b) NOTES.—The following notes are referenced in column two of the table contained in paragaph (a) of this section.

(1) Required only if proposed use will result in honey bee exposure.
(2) Required only when formulation contains one or more active ingredients having an acute LD_{50} of less than 11 micrograms/bee.
(3) Required only for products intended for foliar application to alfalfa grown for seed.
(4) May be required under the following conditions:
(i) Data from the honey bee subacute feeding study indicate adverse effects on colonies, especially effects other than acute mortality (reproductive, behavioral, etc.);
(ii) Data from residual toxicity studies indicate extended residual toxicity; or
(iii) Data derived from studies with organisms other than bees indicate properties of the pesticide beyond acute toxicity, such as the ability to cause reproductive or chronic effects.

§ 158.160 Product performance data requirements.

(a) TABLE.—SECTIONS 158.50 AND 158.100 DESCRIBE HOW TO USE THIS TABLE TO DETERMINE THE PRODUCT PERFORMANCE DATA REQUIREMENTS AND THE SUBSTANCE TO BE TESTED

Kind of data required	(b) Notes	Product performance data requirements; general use patterns									Test substance		Guideline reference No.
		Terrestrial		Aquatic		Greenhouse		Forestry	Domestic outdoor	Indoor	Data to support MP	Data to support EP	
		Food crop	Nonfood	Food crop	Nonfood	Food crop	Nonfood						
Efficacy of antimicrobial agents													
Products for use on hard surfaces.	(1)									CR		EP*	91-2
Products requiring confirmatory data.	(1)									CR		EP*	91-3

(a) TABLE.—SECTIONS 158.50 AND 158.100 DESCRIBE HOW TO USE THIS TABLE TO DETERMINE THE PRODUCT PERFORMANCE DATA REQUIREMENTS AND THE SUBSTANCE TO BE TESTED—Continued

Kind of data required	(b) Notes	Product performance data requirements; general use patterns									Test substance		Guidelines reference No.
		Terrestrial		Aquatic		Greenhouse		Forestry	Domestic outdoor	Indoor	Date to support MP	Data to support EP	
		Food crop	Nonfood	Food crop	Nonfood	Food crop	Nonfood						
Product for use on fabrics and textiles	(1)									CR		EP*	91-4
Air sanitizers	(1)									CR		EP*	91-5
Products for control of microbial pests associated with human and animal wastes	(1)								CR	CR		EP*	91-7
Products for treating water systems	(1)			[CR]						CR		EP*	91-8
Efficacy of fungicides and nematicides													
Products for control of organisms producing mycotoxins	(1)	[CR]		[CR]		[CR]						EP*	93-16

Key: CR = Conditionally Required; [ ] = Brackets (i.e., [CR]) indicate data requirements that apply to products for which an experimental use permit is being sought; EP = End-use product (asterisk indicates that registrants of end-use products formulated from registered manufacturing use products are responsible for submission of these data).

(b) NOTES.—The following notes are referenced in column two of the table contained in paragraph (a) of this section.

(1) The Agency has waived all requirements to submit efficacy data except if use of the pesticide bears a claim to control pest microorganisms that pose a threat to human health and whose presence cannot readily be observed by the user including, but not limited to, microorganisms infectious to man in any area of the inanimate environment. However, all registrants must be able to ensure that their products are efficacious when used in accordance with label directions and commonly accepted pest control practices. The Agency reserves the right to require, on a case-by-case basis, submission of efficacy data for any pesticide product registered or proposed for registration when necessary.

§ 158.165 Biorational Pesticide Data Requirements

(a) TABLE.—SECTIONS 158.50 AND 158.100 DESCRIBE HOW TO USE THIS TABLE TO DETERMINE THE BIORATIONAL PESTICIDES—PRODUCT ANALYSIS DATA REQUIREMENTS AND THE SUBSTANCE TO BE TESTED

Kind of data required	(b) Notes	Biorational pesticides—product analysis data requirements; general use patterns									Test substance		Guidelines reference No.
		Terrestrial		Aquatic		Greenhouse		Forestry	Domestic outdoor	Indoor	Data to support MP	Data to support EP	
		Food crop	Nonfood	Food crop	Nonfood	Food crop	Nonfood						
Product analysis biochemical and microbial agents													
Product identity		[R]	[R]	[R]	[R]	[R]	[R]	[R]	[R]	[R]	MP	EP*	151-10, 20
Manufacturing process	(1)	[R]	[R]	[R]	[R]	[R]	[R]	[R]	[R]	[R]	MP	EP*	151-11, 21
Discussion of formation of unintentional ingredients	(1)	[R]	[R]	[R]	[R]	[R]	[R]	[R]	[R]	[R]	MP	EP*	151-12, 22
Analysis of samples	(2)	[CR]	[CR]	[CR]	[CR]	[CR]	[CR]	[CR]	[CR]	[CR]	MP	EP*	151-13, 23
Certification of limits	(3)	[R]	R	[R]	R	[R]	R	R	R	R	MP	EP*	151-15, 25
Analytical methods		R	R	R	R	R	R	R	R	R	MP	EP*	151-16
Physical and chemical properties		[R]	[R]	[R]	[R]	[R]	[R]	[R]	[R]	[R]	MP & TGAI	EP* & TGAI	151-17, 26
Submittal of samples	(4)	[CR]	[CR]	[CR]	[CR]	[CR]	[CR]	[CR]	[CR]	[CR]	MP	MP	151-18, 27

(b) NOTES.—The following notes are referenced in column two of the table contained in paragraph (a) of this section.

(1) If an experimental use permit is being sought, a schematic diagram and/or description of the manufacturing process will suffice if the pesticide is not already under full scale production.
(2) For pesticides in the production stage, a rudimentary product analytical method and data will suffice to support an experimental use permit.
(3) If tests are to be conducted on beginning materials, the Agency will waive the requirements for innocuous inert ingredients such as corn meal, water, silica and similar materials.
(4) Routinely required for products produced by an integrated formulation system. Required on a case-by-case basis for other products or materials.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 82-827; RM-4120; FCC 82-585]

Amendment of the Commission's Rules To Permit Operation of Field Disturbance Sensors in a Certain MHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice proposes to amend Part 15 Subpart F of the FCC Rules to permit field disturbance sensors (i.e. intrusion detectors) to use the frequencies 40.66 to 40.70 MHz. This action is taken in response to a petition for rule making filed by the Senstar Security Systems Corporation requesting that the Commission amend Part 15 Subpart F to add the band 40.66 to 40.70 MHz to the permitted bands of operation for field disturbance sensors. This amendment would provide for the operation of Senstar's new "Sentrax" Perimeter Protection System which can be used to detect unauthorized entry or exit by persons at secured facilities such as nuclear power plants, penal institutions, etc.

DATES: Comments due by February 14, 1983.

Reply comments due by March 1, 1983.

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

FOR FURTHER INFORMATION CONTACT: Sydney P. Bradfield, Federal Communications Commission, Office of Science and Technology, Washington, D.C. 20554, phone 202/653-8247.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 15

Communications equipment, Computer technology, Labeling, Radio, Reporting requirements, Security measures.

In the matter of amendment of Part 15 Subpart F to permit operation of field disturbance sensors in the band 40.66 to 40.70 MHz; Gen. Docket No. 82-827, RM-4120.

Notice of Proposed Rule Making

Adopted: December 22, 1982.

Released: January 6, 1983.

By the Commission: Commissioner Quello concurring in the result.

Introduction

1. This Notice of Proposed Rule Making is issued in response to a petition for rule making [1] submitted by the Senstar Security Systems Corporation (Senstar). This petition was put on public notice on June 1, 1982 (Report No. 1355). The Commission received no comments or objections to the petition.

2. Senstar requests that the Commission amend the rules for field disturbance sensors in Part 15 Subpart F to allow use of the band 40.66 to 40.70 MHz.[2] Senstar has developed a perimeter protection system, denoted as "Sentrax", which can be used to detect unauthorized entry or exit at secured installations such as as nuclear power plants, penal institutions,weapons and ammunition depots, chemical and explosive manufacturing facilities, etc. The Sentrax system employs "leaky" cable technology and, according to the petitioner, operates efficiently only in the very high frequency (VHF) region between 30 and 100 MHz.[3]

3. The system is composed of two open-ported coaxial cables that are buried underground and parallel to each other along the protected perimeter. The transmit cable establishes a surface wave. Objects which disturb this surface wave cause a reflected wave to be coupled into the receive cable. Any received reflected energy is detected to determine the movement of persons within the radio frequency field above the cables.

Discussion

4. The Commission first adopted rules for field disturbance sensors in 1971.[4,5] Since most sensor technology at that time only contemplated microwave operation, the rules provided five microwave frequencies for this purpose.[6] To minimize the likelihood of interference to radio communications, the Commission placed four of the five permitted frequencies within bands designated domestically and internationally for operation of industrial, scientific and medical (ISM) equipment.[7] A subsequent amendment to these rules conditionally authorized the use of several HF bands for swept frequency sensors.[8] However, there are currently no frequencies provided for field disturbance sensors in the VHF region where Sentrax is designed to operate.

5. Inasmuch as the band 40.66 to 40.70 MHz is also allocated primarily for ISM use, it is extremely unlikely that the Sentrax system or other field disturbance sensors operated in this band will be a source of harmful interference. Furthermore, because the system utilizes surface wave techniques, radiated energy levels are very low. According to Senstar, radiated emissions from its system are below 10 uV/m at 30 meters. This relatively low radiation level dramatically reduces any potential for harmful interference to secondary communication users of this frequency.[9] Further, Senstar maintains

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[1] RM-4120 filed May 17, 1982.

[2] A field disturbance sensor is defined in Section 15.4(j) as "a restricted radiation device which establishes a radio frequency field in its vicinity and detects changes in that field resulting from movement of persons or objects within the radio frequency field". An intrusion detector is one example of a device operating under the provisions in Subpart F of Part 15.

[3] The specially designed cables apparently begin to lose their leakage characteristics below 30 MHz. A frequency of operation between 40 and 100 MHz appears to optimize the capability of the system for detecting humans. Lower frequencies in this range are described as desirable from the standpoint of lower cable attenuation and better discrimination between humans and small animals and birds. See Appendix C of RM-4120.

[4] Docket No. 13863: In the matter of amendment of Part 15 of the Commission's Rules to add regulations governing the use of field disturbance sensors (formerly designated as radio frequency operated intruder alarms). *Report and Order* adopted August 18, 1971 and released August 24, 1971 (31 FCC 2d 210).

[5] In the proceeding in Docket No. 13863, the Commission recognized the early development of perimeter protection systems using a transmission line as an "RF fence" around the protected property. However, since the scope of that proceeding was confined to field disturbance sensors using a point source of RF energy, no special provisions for perimeter protection systems were established. Nevertheless, the Commission did not object to the operation of a perimeter protection system within the provisions of the rules adopted. See paragraphs 8-9 and 18-19 in the *Third Notice of Propose Rule Making* in Docket No. 13863, 26 FCC 2d 597 (1970) and paragraph 17 in the *Report and Order*, supra.

[6] 915±13 MHz, 2450±15 MHz, 5800±15 MHz, 10525±25 MHz and 24125±50 MHz. Pursuant to Section 15.305 (a) in the adopted rules, a field disturbance sensor could conceivably be operated on any frequency subject to the condition that emissions not exceed 15 μV/m at a distance of $\lambda/2\pi$ [equivalent in feet to 157/f(in MHz)] from the sensor. As a practical matter, since the effective emission level at a constant distance would decrease with frequency, most operation under this requirement is only feasible at frequencies below approximately 2 MHz.

[7] ISM equipment is defined in § 18.3(F) as "devices which use radio waves for industrial, scientific, medical or any other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radio communication".

[8] 1.7-2.3 MHz, 4.05-4.95 MHz and 7.4-9.0 MHz. See Docket No. 20620: In the matter of the amendment of Part 15 to provide for the operation of wide-band swept RF equipment used as antipilferage devices. *Report and Order* adopted July 27, 1977 and released August 5, 1977 (65 FCC 2d 802).

[9] Government radiocommunication services operate on a secondary basis on ISM frequencies. Use of frequencies in the band 40.66 to 40.70 MHz may also be authorized to both Government and non-Government stations on a secondary basis for tracking and telemetering of ocean buoys and wildlife.

that the Sentrax system is designed to exhibit high immunity to outside signals. Moreover, in order to minimize false alarms, Senstar asserts that the system incorporates extensive processing capability to discriminate between true and false signals.

Proposal

6. In view of the above, it appears that the Commission can make provision in the rules for this greater use of field disturbance sensor technology without any significant fisk of harmful interference to authorized radio communication services. We propose to amend Subpart F of Part 15 to add the band 40.66 to 40.70 MHz to the permitted bands of operation for field disturbance sensors. In addition to perimeter protection systems such as Sentrax, this amendment would privide for operation in this band of any device that meets the definition for a field disturbance sensor. Accordingly, the Commission would not be precluding any future or existing sensor technology from using these frequencies subject to minimum interference standards adopted in this proceeding. The Appendix sets out the proposed changes to Part 15 Subpart F.

7. To account for variation in design of different systems while maintaining control over interference potential, we are proposing an emission limitation of 50 uV/m for field disturbance sensors in the proposed band. This level of emission corresponds to current standards in Part 15 intended to protect radio communications in this band.[10] In respect to harmonic and spurious emissions, we are proposing an emission restriction of 5 uV/m at 30 meters. Alternatively, harmonic and spurious conducted levels at the transmitter output which are 40 dB below the output conducted level on the fundamental frequency will be considered to meet the harmonic and spurious field strength limitation. If the field disturbance sensor is intended to be connected to the public utility power lines, any power line conducted emissions are proposed to be limited to 250 uV over the frequency range between 450 KHz and 30 MHz. We specifically request comments on the suitability of the technical specifications proposed herein.

8. Measurement of emissions should follow, to the degree practical, the measurement techniques set out in FCC Measurement Procedure MP-1. In the case of perimeter sensor systems that utilize leaky transmission lines or ported cables such as Sentrax, we are proposing that radiated emissions from these systems be measured at each installed location. Since every installation will be unique, this approach assures valid measurements. Because these systems are sophisticated and have limited application, we do not expect a high number of installations.[11] However, the Commission encourages comments recommending a single test on a perimeter protection system which yields repeatable results and could show whether the system would be expected to comply in all installations.

9. As an example, one possible measurement scheme could consist of using a test configuration composed of a 30 meter straight-line length of the normal system layout of the actually used cables. In order to obtain the worst case emission and for practicality reasons, the cables would be laid on top of the ground during measurements. For systems where the cables are intended in the actual installation to be above ground, measurements could be performed with the cables supported 1 meter above the ground. The cables, of course, should be terminated in their characteristic impedance. The entire periphery of this configuration would be scanned to determine the point of highest emission before recording measurements. Another measurement technique could involve a conducted measurement at the output of the transmitter (terminated in a suitable load) while accounting for the leakage characteristics of the cables intended to be employed in the system. Comments are specifically requested on the suitability of these measurement methods and/or any other method which could assure compliance for all types of systems in every installation.

10. We propose that the frequency tolerance of the carrier shall meet a standard of ± 0.01%. This gives us adequate assurance that the signal will not drift outside the band edges. Currently, all field disturbance sensors and most low power communication devices operating under Part 15 are subject to certification.[12] We see no reason to deviate from this policy in this instance. Since Sentrax is a relatively new product requiring new test methods and other sensor systems operated in the proposed band will probably be novel products, we are proposing certification as the equipment authorization procedure in order to gain experience and confidence that this equipment can be expected to meet the standards.

Procedural Matters

11. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. Section 601 *et seq*, the Commission issues the following initial regulatory flexibility analysis:

I. *Reason for action.* This proceeding is in response to a petition for rulemaking requesting an additional band of operation for field disturbance sensors.

II. *The objective.* The Commission is proposing to allow operation of field disturbance sensors in the 40.66–40.70 MHz band.

III. *Legal basis.* The action proposed is in furtherance of Sections 4(i), 302(a), 303(g) and 303(r) of the Communications Act of 1934, as amended, which permits the Commission to make reasonable regulations governing the interference potential of RF equipment and to promote the larger and more effective use of radio in the public interest.

IV. *Entities affected; nature of economic impact; significant alternatives.* The proposal expands Part 15 of the FCC rules by providing for operation of field disturbance sensors on a new frequency. All manufacturers can benefit from this expansion. In respect to existing users of the 40.66 to 40.70 MHz band, we perceive no adverse impact on these entities. Use of existing bands is not suitable for this intended application. There appear to be no significant alternatives to this action.

V. *Recording, record-keeping and other compliance requirements.* We are proposing the equipment authorization procedure of certification for field disturbance sensors operating in the band 40.66 to 40.70 MHz. Since certification is currently required for other field disturbance sensors under Part 15 Subpart F, no new requirements would be imposed if proposed rule changes are adopted.

12. For the purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time that a Public Notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is issued by the Commission, whichever is earlier. In general, an *ex parte* presentation is

[10] For example, pursuant to § 15.192(c), a device that measures the characteristics of a material may operate at an emission level of 50 uV/m at 30 meters in the band 40.66 to 40.70 MHz.

[11] The petitioner speculates that 300 systems may be installed over the next 5 years.

[12] Certification requires that manufactures submit technical data and other information to the Commission for review. Marketing is prohibited until the Commission has issued a Grant of Equipment Authorization. See 47 CFR Part 2, Subpart I and J.

any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation, addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation. On the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served and must also state by docket number the proceeding to which it relates. See § 1.1231 of the Commission's rules, 47 CFR 1.1231.

13. As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis of the expected impact of these proposed policies and rules on small entities. The initial analysis is set forth in paragraph 11. Written public comments are requested on the initial analysis. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this Notice, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601, et seq.).

14. Authority for issuance of this Notice is contained in Sections 4(i), 302, 303(g) and 303(r) of the Communications Act of 1934, as amended. In accordance with the applicable procedures set forth in § 1.415 of the regulations, interested persons may file Comments on or before February 14, 1983, and Reply Comments on or before March 1, 1983. All relevant and timely comments will be considered. In reaching its decision, the commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. A summary of these Commission procedures governing *ex parte* presentations in informal rule making is available from the Commission's Consumer Assistance Office, Washington, D.C. 20554.

15. In accordance with the provisions of § 1.419 of the regulations, an original and five copies of all comments, reply comments, briefs and other documents shall be furnished the Commission. To obtain the widest possible response in this proceeding, informal comments (without extra copies) will be accepted, but these comments should make specific reference to this proceeding. Responses will be available for public inspection during regular working hours in the Commission's Public Reference Room located at its headquarters at 1919 M Street, NW., Washington, D.C. 20554. For further information regarding this proceeding, contact Sydney P. Bradfield at (202) 653–8247.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 15—[AMENDED]

Part 15 Subpart F is proposed to be amended as set forth below:

1. Section 15.305 is amended by revising the table of frequencies in paragraph (b) to read as follows:

§ 15.305 General technical specification.

* * * * *

(b) * * *

40.66 MHz	5800 MHz
915 MHz	10.525 MHz
2450 MHz	24.125 MHz

* * * * *

2. Section 15.307 is amended by revising the title, designating the current text in this section as paragraph (a), revising the table in this section, and adding paragraph (b) to read as follows:

§ 15.307 Permitted bands of operation and frequency tolerance.

(a) * * *

Nominal operating frequency (MHz)	Band limits (MHz)
40.68	±0.02
915	±13
2450	±15
5800	±15
10525	±25
24125	±50

* * * * *

(b) The frequency tolerance of the carrier for sensors operating in the band centered on 40.68 MHz shall be ±0.01%. This tolerance shall be maintained for a temperature variation of −20° to +50°C at normal supply voltage and for a variation in the primary supply voltage from 85% to 115% of the rated supply voltage at a temperature of 20°C.

3. Section 15.309 is amended by revising the table in paragraph (a); redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively; adding a new paragraph (b); and adding a note below paragraph (b) to read as follows:

§ 15.309 Emission limitations.

(a) * * *

Frequency (MHz)	Field Strength (μV/m at 30 meters)
40.68	50
915, 2450, and 5800	50,000
10,525 and 24,125	250,000

(b) For sensors operating in the band centered on 40.68 MHz, harmonic and spurious radiated emissions shall not exceed a level of 5 microvolts per meter at 30 meters and power line conducted emissions shall not exceed 250 microvolts over the frequency range from 450 KHz to 30 MHz.

Note.—Conducted harmonic and spurious transmitter output levels which are 40 dB below the conducted output level on the fundamental frequency will be considered to comply with the harmonic and spurious field strength requirement in this paragraph. The transmitter shall be terminated in its rated output impedance during measurements.

(c) * * *

(d) * * *

* * * * *

4. A new § 15.310 is added to read as follows:

§ 15.310 Measurement procedure.

(a) For sensors operating in the band centered on 40.68 MHz, FCC Measurement Procedure MP–1 is used by the Commission in determining compliance with the emission requirements. If deviations from this procedure are necessary due to practical considerations, the measurement report shall include a description of the actual procedure used.

(b) Perimeter protection systems intended to establish a radio frequency field around or above transmission lines or cables shall be tested at each installation for compliance with the specified radiated emission limitations.

[FR Doc. 83-1365 Filed 1-17-83; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1051, 1320, 1321, 1322, 1323, and 1324

[Ex Parte No. MC-1; No. 73;[1] No. 73 (Sub.-1); No. 143; No. 170]

Rates and Charges

AGENCY: Interstate Commerce Commission.

ACTION: Revised notice of proposed rulemaking.

SUMMARY: A previous proposal to repeal credit regulations of rail, motor, water and express carriers and freight forwarders has been revised. The Commission now proposes to modify present credit time limits, make them applicable unless carriers elect to publish separate provisions in tariffs and authorize such separate provisions within prescribed boundaries. The proposal would authorize service charges and measure the credit period on "to the prepaid" shipments from the time of freight bill presentation rather than delivery at destination. The Commission proposes to determine whether time limits for rail and water carriers to present freight bills should be lengthened, delete household goods in the credit rules to the extent Part 1056 covers collection practices, make other minor changes, and update statutory references. It makes these proposals because the statute requires a substantive rule to implement its credit provisions, and the present outdated regulations should undergo change as part of a trend toward greater pricing flexibility. This proposal is intended to retain overall Commission control over credit practices, yet allow individual carrier freedom.

DATE: Comments of interested persons are due on or before Februery 17, 1983.

ADDRESS: Send an original and 15 copies of comments to: Room 5344, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Louis E. Gitomer, (202) 275-7245,
or
Mont Burrup, (202) 275-6447.

SUPPLEMENTARY INFORMATION:

Background

In 1980 (45 FR 31766, May 14, 1980) the Commission reopened these proceedings and proposed that the present credit regulations be repealed and that carriers (all modes) be permitted to set their own nondiscriminatory credit terms through tariff publication. We noted that widespread noncompliance with present regulations was apparent (indicating that thay are not realistic); that their contribution to the statutory goal of nondiscrimination is subject to question; and that uniform rules by carrier type are of doubtful adequacy for reflecting the needs of individual carriers and shippers. The proposal also suggested that carriers can best determine whether to continue the present requirement that nonprofit shipper organizations and shippers' agents identify the beneficial owners of freight.

Comments were filed in mid-1980. As here pertinent, they included both challenges to the legality of the earlier proposal and opposition to it on the merits.

The statutory requirement for substantive credit regulations. Many persons who filed comments argued that the terms of the statute (49 U.S.C. 10743) require the Commission to promulgate substantive rules regulating credit upon which carriers' rights to relinquish possession of freight prior to their being paid are founded.

The Interstate Commerce Act was first amended to add credit provisions in 1920[2] when section 3(2) was added. During World War I the Federal government had taken control of the nation's railroads. Prior to that Federal control, the railroads had been without substantial restraint in the matter of extending credit for transportation charges. There was little uniformity among the railroads' practices and many of them had large amounts of outstanding receivables. On May 20, 1918, the Director General of Railroads issued General Order No. 25, which provided in part:

> [T]he collection of transportation charges by carriers under Federal control, for services rendered, shall be on a cash basis, and * * * credit accomodations * * * which may be in conflict with the following regulations shall be canceled.
>
> * * * * *
>
> 2. In cases where the enforcement of this rule with respect to freight will retard prompt forwarding or delivery of the freight or the prompt release of equipment or station facilities, carriers will be permitted to extend credit for a period of not exceeding forty-eight (48) hours after receipt for a shipment of a consignment if it be prepaid, or after delivery at destination if it be a collect consignment, provided the consignor * * * or the consignee * * * file a surety bond * * *.

Section 3(2) was added to the Act when control of the railroads passed back into private hands. It prohibited rail carriers from relinquishing possession of freight until all rates and charges had been paid, "except under such rules and regulations as the Commission may from time to time prescribe to assure prompt payment of all such rates and charges and to prevent unjust discrimination." The expressed intent of Congress was that, to the extent possible, the provisions of General Order No. 25 continue in effect.[3] The Mayfield-Newton Act,[4] passed in 1927, amended section 3(2) by, as pertinent here, substituting the words "govern the settlement" for the words "assure prompt payment." At subsequent dates similar credit provisions were included in the motor carrier, water carrier, and freight forwarder amendments to the Act. All of these provisions remained unchanged until their recent recodification ("without substantive change") as 49 U.S.C. 10743.[5] Neither the Motor Carrier Act of 1980 nor the Staggers Rail Act of 1980 effected any amendment of the recodified section.

We conclude that (1) section 10743 anticipates promulgation by the Commission of a substantive rule issued pursuant to statutory authority which implements the statute, and (2) the prior proposal does not implement the statute, which precludes carriers from relinquishing freight prior to payment except "[u]nder *regulations of the Commission governing the payment* for transportation and service and preventing discrimination" (emphasis supplied). Section 10743(b)(1). A revised proposal thus is necessary.

Changed conditions since previous opposition comments were filed. There was substantial opposition to the earlier proposal, including suggestions that other changes involving greater ratemaking freedom should come first. Subsequently, major changes in the motor and rail statutes were enacted and implemented.

Experience gained since regulation was substantially lessened will likely have altered the perspective of carriers, shippers, and other interested parties. Many changes have occurred since comments were submitted under the previous proposal. Pricing flexibility has been greatly enhanced. Railroads may now enter contracts with shippers that include modified credit terms. Expansion of motor contract carriage eliminates credit regulation applicability in a large segment of motor traffic. Many carrier operations ar now exempt from regulation, and carriers set their own

[1] Embraces Docket No. 37152, Southern Railway Company—Petition for Rulemaking—Modification of 49 CFR 1320.1 Credit Regulations).

[2] Pub. L. No. 152, ch. 91, section 405, 41 Stat. 479.

[3] H.R. Rep. No. 650, 66th Cong. 1st Sess. 63 (1920).

[4] Pub. L. No. 804, ch. 510, 44 Stat. 1446.

[5] Pub. L. No. 95-473, 92 Stat. 1337, 1391 (1978).

credit standards for these traffic segments. While neither the Motor Carrier Act of 1980 nor the Staggers Rail Act of 1980 amended Section 10743 directly, other provisions of those acts have led to substantial changes in the economic environment in which carriers operate. Thus, the Commission proposes to revise its rules consistent with these changed conditions.

Goals of the revised proposal. This proposal is intended to retain overall Commission control over credit practices, yet allow individual carrier freedom. Our proposal:

(1) Modifies the present 4 or 5-day and 7-day time limits to make them more realistic in light of modern business practices;

(2) Makes extended limits applicable unless carriers elect to publish separate rules in tariffs;

(3) Authorizes such separate tariff rules and establishes their permissible boundaries; and

(4) Authorizes interested carriers to publish tariff rules establishing service charges.

This proposal is a blend of several approaches. While it continues to permit individual carrier flexibility, it avoids the anticipated massive initial impact that repeal of the regulations with total reliance on individual tariff provisions would have. Under this proposal individual differences in approach should develop in an orderly manageable manner.

The revised longer payment periods should reflect actual payment practices more accurately than the current regulations. Carrier working capital should not be adversely affected. Carriers that believe they would be harmed by the somewhat lengthened time period would have the right to shorten it. However, we have established limits on contracting the credit period to ensure that it is realistic and that compliance is feasible.

Setting the revised time period. Central payment systems using computers are common today. For reasons of economy businesses tend to use cyclical batch processing rather than continuous payments of individual bills. Mail service is used extensively, often to points remote from the vicinity of the transportation service. It is frequently slow. As a result, late payments are common and policing the regulations is hampered because chargeable violations are intertwined with situations where timely payment is impractical (or even impossible) by commercially reasonable standards. Several railroads claimed that the present system is working well, but their comments include data showing substantial noncompliance. One reported 19 percent of payments 15 days over the time limit. Another, one-third not timely paid. Another reported 6.36 days as the compliance time for 66 percent of the bills and 13.7 days for the remaining 34 percent. A motor carrier noted 22 percent of its bills were collected after 29 or more days and 30 percent within 15 to 28 days.

Evidently there is a pronounced contrast between payment timing applicable to shippers and railroad interline settlement practices. Comments by several railroads and the Association of American Railroads (AAR) suggests that settlement of interline accounts to get each carrier's share properly distributed typically takes place only on a specified day once a month. This happens even though large sums are invoved. Prompt cash flow is very important to the carriers, and each shipper now must be billed immediately after prepaid shipments are forwarded or collect shipments are delivered. Current motor carrier regulations allow twice as much time to pay owner-operators as shippers are granted to pay carriers.

a. *Revised time for payment.* We propose a 15 calendar day period for shipper payment of motor carrier and freight forwarder bills. In view of the present shorter period, railroad working capital conditions, and the smaller number of carriers that shippers would be dealing with, the proposed shipper payment period for railroad freight bills is 10 calendar days. Water carriers, which have similar credit regulations, will be treated the same as railroads.[6]

b. *Minimum time for payment.* Individual carriers could change the times we are proposing by tariff publication. However, we propose to retain the time requirements of the present rules as the absolute minimum regardless of tariffs in order to avoid substantial noncompliance.

c. *Maximum time for payment.* We have weighed commercial practices and the need to preclude unduly long credit periods in proposing the maximum allowable time a carrier may select. Moreover, the statute requires regulation of credit practices before shipments may be released without immediate payment, and our failure to set a reasonable maximum time for the extension of credit could be challenged as an abrogation of this requirement. In the prior comments, 30 days was most frequently mentioned in the context of a maximum allowable time. Airline regulations allow 30 days. Therefore, we propose 30 calendar days as the maximum limit.

d. *Time for presenting bills.* Motor carrier and freight forwarder time limits for presentation of freight bills do not appear to need revision. However, the same-day limits on rail and water carriers are unrealistic. Meaningful regulations must comport with modern practices. We request data on this issue and will make such revisions as are necessary. We propose a 4-day period.

Credit periods on prepaid shipments. In a declaratory order in *American Paper Institute Inc.—Petition*, 364 I.C.C. 171 (1980), the Commission interpreted the present rail credit regulations as establishing a maximum credit period on prepaid [7] shipments that runs from the date of delivery at destination, while noting that, as long as there is no discrimination, carriers may grant credit for shorter periods. Ex Parte No. 73 (Sub-No. 1) was concurrently initiated by the AAR in opposition to American Paper on that issue and is still pending. We note that *American Paper* only involved interpretation of the present credit regulations.

We propose that for all carrier modes the credit period on "to be prepaid" shipments will begin when freight bills are presented, and the time period within which carriers shall present their bills will begin when shipments are received by the carrier. This has been the usual carrier practice. Consignors and carrier origin or central billing offices do not routinely know the delivery dates of each shipment. Tracing such dates can be difficult and could take more time than the length of the credit period, especially for interline movements. A situation where frequently neither the consignor's payment office nor the carrier's collection office would know when the credit period begins and ends is counterproductive to credit regulation enforcement.

Service charges. We propose that carriers be permitted to publish tariff rules that provide service charges for extensions of credit periods. A general authorization would avoid the need for carriers filing, and this Commission deciding, individual requests for such authorization. One such petition, No. 38876, *Action Express, Inc., Petition for*

[6] Calendar days should be easier to compute than the current system which makes the computation of non-business days optional. Mail that takes several days can be moving on holidays and during weekends. Thus calendar day measurement seems more appropriate with the longer time periods.

[7] Although the word "prepaid" is often used in the sense of "to be paid by the consignor after the originating carrier sends it a freight bill" (as contrasted with "actually paid in advance"), we will use the more formal phrase "to be prepaid" in the proposed regulations for maximum clarity.

Exemption from 49 CFR Part 1322, has now been dismissed without prejudice on this basis. A proposal several years ago under which the Commission would prescribe the terms of such charges and require that all carriers impose them drew considerable opposition. This proposal, however, is permissive only.

A carrier would have to apply such provisions to all of its shippers to avoid discrimination. Charges could be based on a stated interest rate, and there could be a minimum charge. Carriers would be free to publish their own terms just as they initiate rates, subject to the right of shippers to challenge them if they are unreasonable. The credit period could be extended up to the maximum allowable time, subject to the shipper's payment of service charges for time taken past the standard due date in consideration of its election to exercise that option.

It is also appropriate to let carriers publish rules to collect service charges for unauthorized time beyond the maximum allowable so that unauthorized payment delays would not result in free use by shippers of funds due the carrier. The carrier, however, could authorize credit only until the end of the maximum period. Even though a service charge would be collected, failure to pay within the maximum credit period would be in violation of the credit regulations. Accordingly, corrective action such as placing shippers who exhibit an unwillingness to comply, on a cash-only basis would be necessary in such cases.

Discounts. We invite comments on whether, under the Interstate Commerce Act, the Commission has jurisdiction and should authorize carriers to publish tariff rules providing prompt payment incentives by offering discounts. We have not formulated a proposed rule in this area. We will consider adoption of a rule allowing discounts in this proceeding if warranted by the comments.

Other matters. Shippers must be informed of the time limits on freight bills when credit is extended, since they will not be able to rely on uniform periods. Accordingly, carriers will be required to include that information on freight bills. Codified motor carrier regulations (49 CFR Part 1051) now specify information to be shown on freight bills. Since there are no codified provisions for other modes, the proposed regulations will establish this requirement for all modes, and the noted motor carrier regulations will be amended to cross reference them.

We think it appropriate to retain the concept that, when the postal service is used, the date of mailing will be the date of presentment or collection within the meaning of these regulations. (See §§ 1320.11, 1320.13, 1322.4, 1322.5, 1323.5, and 1323.8 in the existing regulations.) This will apply whether the material mailed is paper documents, or computer tapes, disks, or other media. We have retained the use of mailing date as controlling because on ordinary mail there is no suitable way to identify delivery dates.

References stating that shippers may elect to have their freight bills presented by mail will be omitted. In reality, it is carriers, not shippers, who elect that method for presenting freight bills on paper, while use of electronic media is based upon agreement between both parties. See *Loss and Damage Claims and Freight Bills,* 365 I.C.C. 581 (1982).

We are retaining the proposal to remove the last sentence in 49 CFR 1320.1 requiring beneficial owners to be identified on rail traffic of nonprofit shippers' associations and shippers' agents. Carriers can best determine whether such information is necessary to ensure collection of their charges.

The regulations for express companies in Part 1321 are obsolete and will be removed. Parts 1322 (motor carriers), 1323 (water carriers), and 1324 (freight forwarders) will be incorporated in revised Part 1320.

There are also several miscellaneous proposed changes. Section 1320.16, which covers special rail rules for certain northern California points, will be deleted. Under the proposed changes, the carrier will be able to publish tariff provisions establishing those special credit periods if they are still needed. Revisions made in Part 1056 (46 FR 16218, March 11, 1981) following passage of the Household Goods Transportation Act of 1980 include credit regulations. Present § 1322.1(c) and (d) of the motor carrier credit rules are obsolete household goods credit regulations that will be deleted. Proposed § 1320.8(a) would remove motor common carrier household goods movements from revised Part 1320 credit rules to the extent Part 1056 covers collection practices and § 1320.8(b) contains the credit card chargeback provisions now found in § 1322.6. A provision in 49 CFR 1320.15, covering rail export traffic, will be rephrased and placed in proposed § 1320.3(e). Proposed §§ 1320.5 and 1320.7, covering additional charges and demurrage charges, and § 1320.6, covering icing charges by railroads[8], will specify calendar days and otherwise be substantially unchanged from the present rules.

It may be desirable for the Commission to establish guidelines on how carriers could implement their own freedom to change the length of credit periods. Different treatment for individual shippers would not seem to be permissible, yet uniform treatment of all shippers could be so inflexible that it would be difficult for individual carriers feasibly to make desired adjustments by a tariff rule. A middle ground consisting of suitably defined categories of shippers (perhaps based on their credit rating, for example) or shipment types (such as prepaid or collect, and single-line or interline, for example) may be possible. We seek suggestions on whether setting up such categories would be useful, and, if so, what separate, but not unjustly discriminatory, categories might be definable in advance for carrier guidance.

Environment and energy. This proposed action does not appear to affect significantly the quality of the human environment or conservation of energy resources. Comments on these issues are welcome.

Initial Regulatory Flexibility Analysis. This Commission's credit regulations have a significant economic impact on businesses and other entities who transport, ship, or receive goods in interstate commerce. That includes a substantial number of small entities.

Credit regulations are now in effect. The proposed changes are expected to make them easier to understand, will change credit and billing periods under which timely payments and collection often is impractical under modern commercial practices, and will authorize individual carrier flexibility. Boundaries for the latter have to be set because the statute (49 U.S.C. 10743) authorizes release of shipments without prior payment of transportation charges only in accordance with regulations established by this Commission. The proposed greater freedom (within those boundaries) for the seller of transportation services to set credit terms itself is another step in a continuing effort to reduce government interference and regulation in transportation.

Comments on an earlier proposal identified expectations of disruptive effects if all carriers had to publish their own credit terms by a set effective date. This proposal is intended to modify the present regulations to make them more realistic, and, unless and until carriers elect to publish different rules, have the

[8] Mechanical refrigeration, as well as the exemption from regulation of fresh fruits and vegetables, may have made § 1320.6 obsolete. Comments on this matter would be most helpful.

modified rules apply. That should allow flexibility while (1) avoiding unnecessary tariff publication burdens on carriers not wishing to have different rules and (2) resulting in more gradual and manageable changes when other carriers elect at their pace to publish different rules.

Carriers would be formally required for the first time to identify the length of the credit period on freight bills. To a large extent, this should minimize the burden on small shippers resulting from regulatory change. The carriers have ready access to their own credit rules and the additional printing costs for small carriers is negligible.

On the whole, we anticipate that the proposed changes will have positive effects on small entities and that lessening of governmental regulation is the preferable approach. Comments on the issue are invited.

List of Subjects

49 CFR Part 1051

Freight, Motor carrier.

49 CFR Part 1320

Credit, Freight, Freight forwarders, Maritime carriers, Motor carriers, Railroads.

Our proposal. We propose to amend the freight bill regulations in 49 CFR Part 1051, remove 49 CFR Part 1321 which applies to railway express companies, revise the credit regulations in 49 CFR Part 1320, and remove the regulations in 49 CFR Parts 1322, 1323, and 1324 and incorporate their provisions, as revised, in revised Part 1320. See the appendix.

(5 U.S.C. 553 and 49 U.S.C. 10321, 10701, 10702, 10741, 10743, and 10744)

Decided: January 3, 1983.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Vice Chairman Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix

Title 49 of the CFR would be amended as follows:

PART 1051—INFORMATION REQUIRED ON RECEIPTS AND BILLS

(1) Part 1051—Information Required on Receipts and Bills would be amended by adding the following cross reference after § 1051.1(b)

§ 1051.1 [Amended]

* * * * *

Cross reference: For a requirement that credit information be included on freight bills, see § 1320.3(c).

(2) Part 1320, which now relates to extension of credit to shippers by rail carriers, would be reentitled to include motor and water carriers and freight forwarders and revised in content as follows:

PART 1320—EXTENSION OF CREDIT TO SHIPPERS BY RAIL COMMON CARRIERS, MOTOR COMMON CARRIERS, WATER COMMON CARRIERS, AND FREIGHT FORWARDERS

Sec.

1320.1 Scope of this part.
1320.2 Extension of credit to shippers.
1320.3 Presentation of freight bills.
1320.4 Effect of mailing freight bills or payments.
1320.5 Additional charges.
1320.6 Icing charges by railroads.
1320.7 Demurrage charges.
1320.8 Household goods shipments by motor common carriers.
1320.9–1320.16 [Reserved]
1320.17 Interline settlement of revenues.

Authority: 5 U.S.C. 553 and 49 U.S.C. 10321, 10701, 10702, 10741, 10743, and 10744.

§ 1320.1 Scope of this part.

Except as otherwise indicated, the regulations in this part apply equally to credit extensions by rail common carriers, motor common carriers, water common carriers, and freight forwarders.

§ 1320.2 Extension of credit to shippers.

(a) *Authorization to extend credit.* (1) A carrier that meets the requirements stated in paragraph (a)(2) of this section may—

(i) Relinquish possession of freight in advance of the payment of the tariff charges, and

(ii) Extend credit in the amount of such charges to those who undertake to pay them (such persons are called "shippers" in this part).

(2) For such authorization, the carrier shall take reasonable actions to assure payment of the tariff charges within the credit periods specified—

(i) In this part, or

(ii) In tariff provisions published pursuant to the regulations in paragraph (d) of this section.

(b) *When the credit period begins.* The credit period shall begin on the day following presentation of the freight bill.

(c) *Length of credit period.* Unless a different credit period has been established by tariff publication pursuant to paragraph (d) of this section, the credit period for railroads and water carriers is 10 days and for motor carriers and freight forwarders is 15 days. Those credit periods include Saturdays, Sundays, and legal holidays.

(d) *Carriers may establish different credit periods in tariff rules.* Carriers may publish tariff rules establishing credit periods different from those in paragraph (c) of this section. Such credit periods shall not be (1) shorter than 5 days for railroads and water carriers or 7 days for motor carriers and freight forwarders, or (2) longer (all carriers) than 30 days.

(e) *Service charges.* (1) Service charges shall not apply when credit is extended and payments are made within the standard credit period. The term "standard credit period," as used in the preceding sentence, means—

(i) The credit period prescribed in paragraph (c) of this section, or

(ii) A substitute credit period published in a tariff rule pursuant to the authorization in paragraph (d) of this section.

(2) Carriers may, by tariff rule, extend credit for an additional time period, subject to a service charge for that additional time. The combined length of the carrier's standard credit period (as defined in paragraph (e)(1) of this section) and its additional credit period shall not exceed the 30-day maximum credit period prescribed in paragraph (d) of this section. When such a tariff rule is in effect, shippers may elect to postpone payment until the end of the extended credit period if, in consideration therefore, they include the published service charges when making their payment.

(3) Carriers may, by tariff rule, establish service charges for payments made after the expiration of an authorized credit period. Such a rule shall—

(i) Institute such charges on the day following the last day of an authorized credit period, and

(ii) Notify shippers—

(A) That its only purpose is to prevent a shipper who does not pay on time from having free use of funds due to the carrier,

(B) That is does not sanction payment delays, and

(C) That failure to pay within the authorized credit period will, despite this provision for such charges, require the carrier to place noncomplying shippers on a cash-only payment basis until the carrier is able to conclude in good faith that the shipper will comply with the credit regulations.

(4) Tariff rules that establish charges pursuant to paragraphs (e)(2) or (3) of this section may establish minimum charges.

(f) *Discrimination prohibited.* Tariff rules published pursuant to paragraphs (d) and (e) of this section shall not result

in unreasonable discrimination among shippers.

§ 1320.3 Presentation of freight bills.

(a) *"To be prepaid" shipments.* (1) On "to be prepaid" shipments, the carrier shall present its freight bill for all transportation charges within the time period prescribed in paragraphs (a)(2) and (a)(3) of this section, except—

(i) As noted in paragraph (d) of this section, or

(ii) As otherwise excepted in this part.

(2) The time period for a carrier to present its freight bill for all transportation charges shall be measured from the date the carrier received the shipment.

(3) The time period referred to in (a)(2) of this section shall be 4 days for railroads and water carriers and 7 days for motor carriers and freight forwarders. These time periods do not include Saturdays, Sundays, or legal holidays.

(b) *"Collect" shipments.* (1) On "collect" shipments, the carrier shall present its freight bill for all transportation charges within the time period prescribed in paragraphs (b)(2) and (b)(3) of this section, except—

(i) As noted in paragraph (d) of this section, or

(ii) As otherwise excepted in this part.

(2) The time period for a carrier to present its freight bill for all transportation charges shall be measured from the date the shipment was delivered at its destination.

(3) The time period referred to in (b)(2) of this section shall be 4 days for railroads and water carriers and 7 days for motor carriers and freight forwarders. These time periods do not include Saturdays, Sundays, or legal holidays.

(c) *Bills shall state credit time limits and service charge terms.* When credit is extended, freight bills shall state the time limit by which payment must be made, and service charge terms if applicable.

(d) *When the carrier lacks sufficient information to compute tariff charges.* (1) When information sufficient to enable the carrier to compute the tariff charges is not then available to the carrier at its billing point, the carrier shall present its freight bill for payment within 4 days for railroads and water carriers and 7 days for motor carriers and freight forwarders following the day upon which sufficient information becomes available at the billing point. These time periods do not include Saturdays, Sundays, or legal holidays.

(2) A carrier shall not extend further credit to any shipper which fails to furnish sufficient information to allow the carrier to render a freight bill within a reasonable time after the shipment is tendered to the origin carrier.

(3) As used in this paragraph, the term "shipper" includes, but is not limited to, freight forwarders, and shippers' associations and shippers' agents within the meaning of 49 U.S.C. 10562 (3) and (4).

(e) *Freight bill presentation on railroad transported export traffic loaded into vessels.* The term "delivered at its destination" as used in paragraph (b)(2) of this section shall mean the time when the vessel is completely loaded, when—

(1) The traffic is export traffic that is loaded into vessels either—

(i) Direct from railroad cars or piers, or

(ii) From such cars or piers by means of lighters, and

(2) The freight bills are presented to vessel owners or their representatives.

§ 1320.4 Effect of mailing freight bills or payments.

(a) *Presentment by mail.* When carriers present freight bills by mail, the time of mailing shall be deemed to be the time of presentation of the bills. The term "freight bills," as used in this paragraph, includes both paper documents and billing by use of electronic media such as computer tapes or disks, when the mails are used to transmit them.

(b) *Payment by mail.* When shippers mail acceptable checks, drafts, or money orders in payment of freight charges, the act of mailing them within the credit period shall be deemed to be the collection of the tariff charges within the credit period for the purposes of the regulations in this part.

(c) *Disputes as to date of mailing.* In case of dispute as to the date of mailing, the postmark shall be accepted as such date.

§ 1320.5 Additional charges.

When a carrier—

(a) Has collected the amount of tariff charges represented in a freight bill presented by it as the total amount of such charges, and

(b) Thereafter presents to the shipper another freight bill for additional charges—

the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days from the date of the presentation of the freight bill for the additional charges.

§ 1320.6 Icing charges by railroads.

(a) *Conditions for special credit rules regarding icing charges.* The rules in paragraph (b) of this section shall apply to icing charges by railroads, if—

(1) Icing charges are not published in railroad tariffs at fixed amounts determinable at the time the shipment moves from the point of origin,

(2) Freight charges are to be prepaid,

(3) Icing charges are to be paid by the consignor, and

(4) The carrier takes reasonable actions to assure payment of the tariff charges within the credit period.

(b) *Special credit rules for icing charges.* When each of the conditions in paragraph (a) of this section are met, the carrier may—

(1) Relinquish possession of the freight in advance of the payment of the icing charges,

(2) Delay presentation of bills for such charges for a period not exceeding 15 calendar days after the end of the calendar month during which the charges accrued, and

(3) Extend credit in the amount of such charges for 15 calendar days from the date of presentation of the bill for such charges.

§ 1320.7 Demurrage charges.

(a) *Conditions for special credit rules regarding demurrage charges.* The rules in paragraph (b) of this section shall apply to demurrage charges, if—

(1) The amount of demurrage charges is determinable under average agreements made in accordance with tariff provisions, and

(2) The carrier takes reasonable actions to assure payment of the tariff charges within the credit period.

(b) *Special credit rules for demurrage charges.* When both conditions in paragraph (a) of this section are met, the carrier may—

(1) Delay presentation of bills for such demurrage charges for a period not exceeding 15 calendar days after the end of the authorized demurrage period, and

(2) Extend credit, in the amount of the demurrage charges accrued during the demurrage period, for 15 calendar days from the date of presentation of the bill for such charges.

§ 1320.8 Household goods shipments by motor common carriers.

(a) *Not applicable to extent Part 1056 governs credit.* The regulations of this part do not apply to the payment of charges on the interstate transportation of household goods to the extent that collection practices on such operations are governed by the regulations in part 1056 of this chapter.

(b) *Charge card reversed transactions.* The regulations of this part apply when—

(1) Charges for household goods movements are paid by use of charge cards pursuant to 49 CFR 1056.19, and

(2) The shipper forces an involuntary extension of credit by the carrier by causing the charge card issuer to reverse the charge transaction and charge payments back to the carrier's account.

§ 1320.9–1320.16 [Reserved]

§ 1320.17 Interline settlement of revenues.

Nothing in this part shall be interpreted as affecting the interline settlement of revenues from traffic which is transported over through routes composed of lines of common carriers subject to Interstate Commerce Commission jurisdiction under subchapters I, II, or III of chapter 105 of title 49, subtitle IV, of the United States Code.

PART 1321—EXTENSION OF CREDIT TO SHIPPERS BY EXPRESS COMPANIES—[REMOVED]

(3) Part 1321—Extension of Credit to Shippers by Express Companies, is proposed to be removed because it is obsolete.

PARTS 1322, 1323, 1324—[REMOVED]

(4) Parts 1322, 1323, and 1324 covering, respectively, the extension of credit by motor carriers, water carriers, and freight forwarders, are proposed to be removed, with their provisions, as revised, being included in proposed revised part 1320.

[FR Doc. 83-1300 Filed 1-17-83; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 48, No. 12
Tuesday, January 18, 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.

COMMISSION ON CIVIL RIGHTS

Louisiana Advisory Committee; Meeting Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S Commission on Civil Rights, that the press conferences listed below have been canceled.

Louisiana—Scheduled for February 3, 1983—published January 6, 1983 on page 683
New Mexico—Scheduled for January 26, 1983—published January 4, 1983 on page 317
Oklahoma—Scheduled for January 26, 1983—published January 4, 1983 on page 317
Texas—Scheduled for January 28, 1983—published January 5, 1983

Dated at Washington, D.C., January 12, 1983.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 83-1287 Filed 1-17-83; 8:45 am]
BILLING CODE 6335-01-M

Minnesota Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Minnesota Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 2:00 p.m., on February 19, 1983, at the Spanish Speaking Affairs Council, 506 Rice Street, in the Conference Room, St. Paul, Minnesota 55103. The purpose of this meeting will be to conduct orientation for the new members of the Advisory Committee, and discuss program plans for Fiscal Year 1983.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ruth A. Myers, 1006 East Second Street, Duluth, Minnesota 55805; (218) 726-8878 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604; (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 13, 1983.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 83-1363 Filed 1-17-83; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Fresh Asparagus From Mexico; Postponement of Preliminary Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of Preliminary Countervailing Duty Determination.

SUMMARY: The preliminary countervailing duty determination involving fresh asparagus from Mexico is being postponed because the investigation has been determined to be extraordinarily complicated. We intend to issue the preliminary determination not later than February 22, 1983.

EFFECTIVE DATE: January 18, 1983.

FOR FURTHER INFORMATION CONTACT: Julia E. Hathcox, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-0184.

SUPPLEMENTARY INFORMATION: On November 23, 1982, we initiated a countervailing duty investigation to determine whether producers or exporters in Mexico of fresh asparagus receive any benefits that constitute bounties or grants (47 FR 53440). The notice stated that we would issue a preliminary determination by January 27, 1983.

The product covered by this investigation is fresh asparagus from Mexico. The imported merchandise is currently provided for in item 137.9520 of the *Tariff Schedules of the United States Annotated.*

As detailed in the notice of intitation of the countervailing duty investigation, the petition alleges that the government of Mexico provides various programs which constitute bounties or grants to prodicers or exporters in Mexico of fresh asparagus. The alleged subsidy practices are numerous and complex. The petitioners have made allegations concerning 19 different subsidy practices, which involve issues such as export financing programs, tax incentives for export promotion, investment and development practices, and agricultural sector subsidy practices.

In particular, petitioners allege novel issues regarding Mexican government construction and operation of irrigation facilities, the possible bounties or grants available through the Sistema Alimentario Mexicano (SAM) program, and certain development aspects of the Certificate of Fiscal Promotion (CEPROFI) program. These allegations have not yet been investigated in a Mexican case under the countervailing duty law. Petitioners have alleged that the Mexican government invests in the construction of irrigation facilities and, through the appropriate ministry, uses public funds to operate such facilities. The petitioners allege that under the SAM program benefits or bounties may be realized through numerous practices, including reductions in business tax rates for companies in the agricultural sector; preferential loans granted to Mexican agriculture; duty reductions for producers on imports of raw materials for the production and distribution of goods covered by the program; discounts on fertilizers, insecticides and seeds; and credits to producers selling products at prices fixed by the government. The petitioners also allege that under the developmental aspects of the CEPROFI program benefits or bounties may be realized through practices including fuel discounts to firms located in the zone adjoining the U.S. border, credits to promote increased employment or to maintain pre-devaluation employment, duty reductions on imports of raw materials for products sold in the free zone or border area for Mexican companies establishing wholesale warehouses, accelerated depreciation for such wholesale warehouse construction in border areas, and investment credits for the acquistion by purchasers located in border areas of new machinery and equipment manufactured in Mexico.

In addition, we consider this case to be extraordinarily complicated because

of the number of firms whose activities must be investigated and the need to determine the extent to which particular subsidies are used by individual producers and exporters.

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. We intend to issue the preliminary determination not later than February 22, 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 17, 1983.

[FR Doc. 83-1362 Filed 1-17-83; 8:45 am]

BILLING CODE 3510-25-M

Roses and Other Cut Flowers From Colombia; Suspension of Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of suspension of investigation.

SUMMARY: The Department of Commerce has decided to suspend the countervailing duty investigation involving roses and other cut flowers from Colombia initiated on August 26, 1983. The basis for the suspension is an agreement by 93 Colombian producers and exporters of roses and other cut flowers to renounce all countervailable benefits under the Tax Reimbursement Certificate Program.

EFFECTIVE DATE: January 18, 1983.

FOR FURTHER INFORMATION CONTACT: Gary S. Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 377-0161.

SUPPLEMENTARY INFORMATION:

Case History

On August 6, 1982, the Department of Commerce (the Department) received a petition from a group of independent producers of roses and other cut flowers (cut flowers) filed on behalf of the U.S. industry producing cut flowers. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Colombia of cut flowers.

We found the petition to be sufficient, and on August 26, 1982, we initiated a countervailing duty investigation (47 FR 38570). We stated that we expected to issue a preliminary determination by November 1, 1982.

We presented a questionnaire concerning the allegations to the government of Colombia in Washington, D.C. On October 6, 1982, we received the response to the questionnaire. On October 13 and December 3, 1982, supplemental responses were received.

On November 1, 1982, we preliminarily determined that the government of Colombia was providing bounties or grants to manufacturers, producers, or exporters of cut flowers under the Tax Reimbursement Certificate Program (CAT). We also stated that we would seek additional information on the Air Freight Reduction Program, alleged by the petitioners to provide bounties or grants to the manufacturers, producers, or exporters of cut flowers in Colombia.

Notice of the preliminary affirmative countervailing duty determination was published in the **Federal Register** on November 5, 1982 (47 FR 50314). We directed the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise, entered or withdrawn from warehouse, for consumption on or after November 5, 1982, and to require a cash deposit or the posting of a bond in an amount equal to 4 percent of the f.o.b. value of the subject merchandise on entries made prior to January 1, 1983, and 5 percent of the f.o.b. value of the subject merchandise on entries made on or after January 1, 1983.

From December 7-10, 1982, we verified the responses to the countervailing duty questionnaire by a review of government documents and company books and records for certain members of Asocolflores, the Colombian association of cut flowers producers whose members represent over 85 percent of the volume of exports of cut flowers to the United States.

On December 10, 1982, the Department and counsel for the Colombian exporters initialed a proposed agreement to suspend the countervailing duty investigation involving cut flowers from Colombia. The primary basis for the proposed suspension agreement was that the exporters would renounce all bounties or grants on exports of cut flowers received under the CAT program to the United States. In addition, the exporters agreed to renounce all benefits which the Department believes benefit the subject product under any other program subsequently determined by the Department in this or any subsequent proceeding concerning other merchandise from Colombia to constitute bounties or grants under the Act.

In compliance with the procedural requirements of section 704(e) of the Act, we notified the petitioners and other interested parties of the terms of the proposed agreement, provided a copy of the proposed agreement to them, arranged to consult with counsel for the petitioners regarding specific aspects of the proposed agreement, and explained how the agreement would be carried out and how the proposed agreement would meet the requirements of section 704 (b) and (d) of the Act. In addition, all parties were invited to submit comments and information regarding the proposed agreement.

Scope of Investigation

The merchandise covered by this investigation is roses and other fresh cut flowers (excluding miniature carnations), and bouquets, wreaths, sprays, or similar articles made from such flowers or other fresh plant parts. Roses are currently classifiable under item number 192.1800 and other fresh cut flowers (excluding miniature carnations) under item number 192.2100 of the *Tariff Schedules of the United States Annotated (TSUSA).*

The period for which we are measuring subsidization is January through June of 1982.

Changes Since the Preliminary Determination

Air Freight Reductions

We stated in our preliminary determination that we would seek additional information on the Colombian domestic air freight rates applicable to the transport of cut flowers, and on the international rates established by the Administrative Department of Civil Aeronautics (DAAC), an agency of the Colombian government, covering other products that are transported from Colombia to the United States to determine whether the rates for cut flowers are comparable. We have since received the Colombian domestic air cargo rate schedule issued by the DAAC.

At verification, we met with DAAC officials and the exporters of cut flowers and learned that there is no significant air transport of cut flowers within Colombia, since the three major growing areas (Bogota, Cali, Medellin) are also the three main distribution points for the product as well. As a result, there is little need to transport cut flowers by air from one of these cities to any other Colombian city.

In addition to domestic rate schedules, the DAAC publishes a general international air freight rate schedule and specific international rate schedules for particular products, including cut flowers. The maximum DAAC rate for cut flowers is considerably lower than the general air freight rates for other products carried over the same routes, thereby indicating a possible attempt to surpress cut flower freight rates in an effort to confer bounties or grants on the exporters of the merchandise to the United States.

During verification, we reviewed the freight documents of several Colombian exporters of cut flowers, and uniformly found that the actual rates negotiated by the exporters with the air carriers were substantially lower than the DAAC maximum rate, indicating that freight rates for cut flowers are a function of competition in the air freight market in Colombia, and not the DAAC maximum rate.

We therefore find that the Colombian air freight rates for cut flowers do not constitute the bestowal of bounties or grants upon the exporters of cut flowers to the United States.

The Department has consulted with the petitioners and Roses Inc., an interested party, and received the following comments on the proposed suspension agreement. Our responses are shown for each comment.

Comment 1: The ITA must not implement a suspension agreement that is opposed by the domestic industry unless there are compelling reasons to do so.

DOC Position: The approval or lack of disapproval by the domestic industry is not a prerequisite to our entering into a suspension agreement. Rather, the Department uses its own expertise and independent judgment in determinig whether a particular agreement is in the public interest. We believe that the suspension agreement serves the public interest and eliminates all benefits of bounties or grants.

Comment 2: Respondents do not qualify as a group eligible to conclude a suspension agreement unless they represent at least 85 percent by volume of Colombian exports of roses and other cut flowers to the United States. In addition, no reason is cited for the ITA's failure to obtain an agreement from all of the exporters.

DOC Position: The Exporters identified in Appendix I to the suspension agreement as parties to this agreement account for approximately 90 percent by volume of the exported merchandise subject to this investigation.

This exceeds the 85 percent required under the "substantially all" standard contained in section 704(b) of the Act and section 355.31 of the Department's Regulations and represents a large enough number of exporters to be deemed in the public interest.

Comment 3: The proposed agreement is unworkable with respect to present or future bounties or grants resulting from artificially low air freight rates mandated by the Colombian Government for cut flowers exported from Colombia.

DOC Position: We have found that countervailable benefits are not currently being bestowed upon the exporters of cut flowers as a result of government-established air freight rates in Colombia. *See* comment 10, *infra.* Under the monitoring provision of the suspension agreement, the Department will periodically review the continued status of air freight rates and will require the Colombian exporters to take appropriate action if necessary. Moreover, Section D(1) of the suspension agreement provides that if the Department determines that the agreement is being or has been violated or no longer meets the requirements of section 704 (b) or (d) of the Act, then section 704(i) shall apply.

Comment 4: The ITA must not implement the proposed agreement until it makes a final determination as to whether and to what extent the air freight rates for carriage of cut flowers from Colombia confer bounties or grants.

DOC Response: A "final determination" is not a prerequisite to a suspension agreement. However, section 704(g) of the Act provides for the continuation of the investigation if, within 20 days after the date of publication of this notice, a request for continuation is received from either the government of the country in which the subsidy practice is alleged to occur, or from an interested party. On the basis of information obtained during verification, we presently believe that the air freight rates for cut flowers do not constitute a countervailable bounty or grant, and conclude that the suspension agreement eliminates all other bounties or grants regarding cut flowers from Colombia.

Comment 5: If the ITA accepts the proposed agreement, it should require quarterly reports to specify the volume of flowers exported to the United States, the identity of the growers and exporters involved, the air carriers used, and the specific rates charged.

DOC Position: The monitoring provision has been amended to provide that the exporters will report on a quarterly basis their specific volume of exports of the subject merchandise to the United States, as well as the total volume of such merchandise exported to the United States from Colombia. Information regarding individual export transactions and air freight rates will be obtained periodically and verified at the time of the annual review under section 751 of the Act.

Comment 6: If the ITA accepts the proposed agreement, it should make the Government of Colombia a party to the agreement, and require the Government of Colombia to rescind the special air freight rate for cut flowers and to agree to refrain from implementing a mandated rate in the future.

DOC Position: The Act does not require the foreign government to be a party to the agreement of exporters who account for substantially all of the imports of the subject merchandise are parties to the agreement and the Department does not believe that the public interest requires the Government of Colombia to be a party to the agreement. Furthermore, the Department has verified that no countervailable benefits are conferred on these exports resulting from the special air freight rates. *See* comment 10, *infra.* We have, however, modified the agreement to take into account the possibility that cut flower freight rates may in the future approach a government-mandated maximum and to specifically require the monitoring of cut flower freight costs.

Comment 7: If the ITA accepts the proposed agreement, it should require the Government of Colombia, the monitoring bank, and the exporters to consent to the disclosure to petitioners' counsel of all information requested by the ITA, the responses thereto, and to any future verification reports prepared by or for the ITA.

DOC Position: All non-confidential information and non-confidential summaries of confidential responses will be made publicly available. Confidential submissions may be released under an administrative protective order, in accordance with section 355.20 of the countervailing duty regulations.

Comment 8: On the basis of action taken by the Colombian Government in

1974, the Treasury Department determined conditionally that no bounty or grant was paid or bestowed upon the flower producers or exporters within the meaning of section 303 of the Act (39 FR 26922 (1974)). Roses Inc. contends that before any new suspension agreement is signed, the status of the 1974 countervailing duty investigation on cut flowers from Colombia should be reviewed.

DOC Position: Regardless of what action the Colombian Government took in 1974 with regard to a prior countervailing duty investigation of cut flowers, the Department believes that the attached suspension agreement is in the public interest. Furthermore, the agreement will be periodically monitored to assure the exporters compliance with its terms.

Other Comments

Comment 9: Respondents assert that the petition filed on August 6, 1982, did not contain the signatures of the persons or firms seeking to initiate the investigation. Respondents note that the International Trade Commission (ITC) regulations (19 CFR 201.8 (d)–(e)) require that a signature be affixed to a countervailing duty petition.

DOC Position: Regardless of the ITC regulations, petitioners satisfied the requirements of section 355.26 of the Department's Regulations regarding the initiation of an investigation by petition.

Comment 10: Respondents state that the establishment by the Colombian government of maximum air freight rates does not confer countervailable benefits on the exporters of cut flowers. The air freight rates for cut flowers are freely negotiated and cannot serve as the basis for an affirmative subsidy determination.

DOC Position: We agree. If maximum freight rates are established by a governmental authority, and the actual rates charged to an exporter either approach or meet that maximum, then the possibility exists that the government may be attempting to suppress freight rates in an effort to bestow bounties or grants on an exporter of a particular product.

We verified the information submitted and have determined that the exporters of cut flowers in Colombia freely negotiate freight charges with the various privately-owned airlines. In fact, the exporters have been able to negotiate rates near, and sometimes below, the government-established *minimum* rates.

Comment 11: Respondents disagree with the Department's preliminary determination that, with respect to cut flowers, the CAT program does not meet the test announced in *Industrial Fasteners Group* v. *U.S.*, 585 F. Supp. 885 (CIT 1981), because its exclusive purpose was not the rebate of indirect taxes, but included the rebate of certain direct taxes as well. Respondents cite the final determination in *Certain Steel Wire Rod from Argentina* (47 FR 42393), in which the Department determined that the Reembolso was a *bona fide* program to rebate indirect taxes even though certain direct taxes were included in the calculation of the total tax incidence. In addition, respondents argue that the net bounty or grant calculated for the CAT program should be adjusted to reflect only that amount of the CAT rebate that exceeds the value of the indirect taxes on physically incorporated items that are allowed to be rebated under the Act.

DOC Position: The Department maintains that an allowable export payment program must primarily function as a rebate of indirect taxes. In its final determination in *Leather Wearing Apparel from Argentina* (46 FR 23090), the Department noted the presence of small amounts of direct taxes. In this regard it stated:

> However, had the actual tax programs involved been more heavily weighed toward taxes, which may not be rebated on export without involving a subsidy, our conclusion might have been different.

The Argentine Reembolso was by law explicitly designed to refund taxes that "bear directly or indirectly on export products." While the law establishing the CAT does relate the rebate to indirect taxes, only a very small portion (less than 5 percent) of the total taxes the government of Colombia claims to be eligible for rebate can be considered to be indirect taxes on physically incorporated items. Through the analysis of documentation provided, we are unable to conclude that the CAT payment, or an explicitly identified portion of that payment, is specifically intended as a rebate of indirect taxes. We therefore find that, with respect to cut flowers, the CAT program operates primarily to rebate taxes in general, and not indirect taxes.

Comment 12: Respondents argue that the value of the effective basic CAT rebate should be reduced to reflect the domestic value-added content of cut flowers in Colombia.

DOC Position: We verified that the basic CAT rate is applied to the domestic value-added content only when the exporters participate in a voluntary government plan which allows them to import raw materials on a duty-free basis. Those exporters not participating in this program receive CAT certificates based on the full f.o.b. value of the exported merchandise. Given the lack of uniformity in the exporters' participation in this voluntary plan and the administrative impossibility of verifying each of the 143 Colombian cut flower exporters' participation, we have determined that adjustment of the effective basic CAT rate to reflect the domestic added-value content is not warranted.

Comment 13: Respondents argue that the value of the effective basic CAT rebate should be reduced to reflect a government-mandated deferral of benefits.

DOC Position: Effective January 1, 1983, the government-mandated deferral of benefits was eliminated, making the CAT certificates redeemable at any time.

Comment 14: Roses Inc. states that documents submitted in support of changes in the laws and regulations governing Colombia's foreign currency exchange controls be included in the public file.

DOC Position: All non-confidential documents have been placed in the public file.

Comment 15: Roses Inc. notes that a market research study was submitted to the ITA on June 4, 1981 in connection with the antidumping petition it filed on roses from Colombia. The study indicates that: (1) Several airlines provide flower transportation service; (2) the freight rates for cut flowers charged on shipments between Bogota and Miami are considerably lower than rates for flowers and other products transported by air along other routes; and (3) cut flowers require special handling due to their delicate and perishable characteristics. In addition, petitioners state that the Colombian exporters of cut flowers are receiving bounties or grants amounting to the difference between the government-established rates for cut flowers and the air cargo tariff rates posted by the U.S. Civil Aeronautics Board. This freight rate differential serves a Colombian policy of promoting exports of cut flowers.

DOC Position: As already mentioned, we verified that there are several airlines carrying freight from Colombia to the United States, each of which is privately-owned, and that regardless of the published freight rates, the exporters are able to negotiate rates that are much lower than the government-established maximum rate. Through on-site inspections at the airport freight facilities in Bogota, we verified that cut flowers required neither special

handling by the airlines nor specially adapted aircraft.

Suspension of the Investigation

The Department consulted with the petitioners and has considered the comments submitted with respect to the proposed suspension agreement. We have determined that the agreement will completely eliminate the bounties or grants with respect to the subject merchandise exported directly or indirectly to the United States, that the agreement can be monitored effectively, and that the agreement is in the public interest. Therefore, we find that the criteria for suspension of an investigation pursuant to section 704 of the Act have been met. The terms and conditions of the agreement, signed January 12, 1983, are set forth in Annex 1 to this notice.

Pursuant to section 704(f)(2)(A) of the Act, the suspension of liquidation of all entries, entered or withdrawn from warehouse, for consumption of cut flowers from Colombia effective November 5, 1982, as directed in our notice of "Preliminary Affirmative Countervailing Duty Determination, Roses and Other Cut Flowers from Colombia" is hereby terminated.

Any cash deposits on entries of cut flowers from Colombia pursuant to that suspension of liquidation shall be refunded and any bonds shall be released.

The Department intends to conduct an administrative review within twelve months of the anniversary date of publication of this suspension as provided in section 751 of the Act.

Notwithstanding the suspension agreement, the Department will continue the investigation if we receive such a request in accordance with section 704(g) of the Act within 20 days after the date of publication of this notice.

(Sec. 704(f)(1)(A) of the Act)

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 12, 1983.

Annex I—Suspension Agreement Roses and Other Cut Flowers From Colombia

Pursuant to the provisions of section 704 of the Tariff Act of 1930, as amended (the Act), and § 355.31 of the Commerce Regulations, the United States Department of Commerce (the Department) enters into the following suspension agreement with the Colombian exporters of roses and other cut flowers (excluding miniature carnations) identified in Appendix I (the Exporters). On the basis of this agreement, the Department shall suspend its countervailing duty investigation initiated on August 26, 1982, with respect to roses and other cut flowers (excluding miniature carnations) from Colombia in accordance with the terms and provisions set forth below.

A. *Product Coverage:* The agreement applies to "roses and other cut flowers" from Colombia (hereinafter referred to as the subject product). The subject product covers roses and other cut flowers (excluding miniature carnations), and bouquets, wreaths, sprays, or similar articles made from such flowers or other fresh plant parts as currently provided for in items 192.1800 and 192.2100 of the *Tariff Schedules of the United States.*

B. *Basis of the Agreement:* 1. The Exporters account for over 85% of the total exports of the subject product to the United States from Colombia. These companies voluntarily agree to the following:

a. The Exporters will not apply for or receive any benefits that the Department has determined or determines to be countervailable under the Tax Reimbursement Certificate Program (CAT) with respect to exports of the subject product entering the United States, or withdrawn from warehouse, for consumption on or after the effective date of this agreement.

b. The Exporters will not apply for or receive benefits under any other program subsequently determined by the Department in this or any subsequent proceeding concerning other merchandise from Colombia to constitute bounties or grants under the Act which the Department believes benefit and the subject product.

c. If any additional program is found to be countervailable in this or a subsequent proceeding, the Department shall officially notify the Exporters.

d. The Exporters shall notify the Department, at least sixty days prior to taking any action, of any benefits they intend to apply for or of any benefits they will receive or expect to receive from the government of Colombia.

Renunciation of the receipt of benefits under the CAT program or any program subsequently found to be contervailable does not constitute an admission by the Exporters that such benefits are bounties, grants, or subsidies within the meaning of the U.S. countervailing duty law or any other U.S. law.

The exporters certify that no new countervailable benefits will be applied for or received with respect to exports of the subject product to the United States as a substitute for any benefits eliminated by this agreement.

2. In accordance with the provisions of the Act and applicable regulations, this agreement applies to the product described in Paragraph A which is produced in Colombia and exported directly or indirectly to the United States.

3. The effective date of this agreement is the date it is published in the **Federal Register.**

C. *Monitoring:* The Exporters agree to supply to the Department such information as the Department deems necessary, including freight costs, to demonstrate that they are in full compliance with this agreement and to permit such periodic verification and data collection as the Department deems necessary in order to monitor this agreement pursuant to section 751 of the Act. The Exporters will notify the Department if they: (1) Transship the subject product through third countries, (2) alter their position with respect to any terms of the agreement, or (3) apply for or receive directly or indirectly the benefits of the programs described in Paragraph B for the production of the subject product exported to the United States.

The Exporters certify that the Banco de la Republica (the Central Bank of the Republic of Colombia) has agreed voluntarily to monitor this agreement to ensure that benefits from the CAT certificate program are not received by the exporters, directly or indirectly. The Central Bank voluntarily agrees to notify the Department, on a quarterly basis, whether CAT certificates are received by the Exporters.

The Exporters certify that they will notify the Department on a quarterly basis of the volume of their specific exports of the subject merchandise to the United States, as well as the total volume of such merchandise exported to the United States from Colombia.

D. *Rescission of the Agreement:* 1. If the Department determines that the agreement is being or has been violated or no longer meets the requirements of Section 704(b) or (d) of the Act then Section 704(i) shall apply. Failure of the Central Bank of the Republic of Colombia to supply the quarterly reports described in Paragraph C in a timely fashion will constitute a violation of this agreement.

2. Should the Exporters' quarterly exports account for less than 85% of the subject product imported, directly or indirectly, to the United States from Colombia, the Department may rescind this agreement and reopen the investigation or issue a countervailing duty order, as appropriate, under § 355.32 of the Commerce Regulations.

3. In the event that air freight rates paid to export the subject product from

Colombia to the United States approach the government-mandated maximum air freight rates for the subject product, the Department may consider rescinding this agreement and reopening the investigation or issuing a countervailing duty order, as appropriate.

Signed on this 12th day of January 1983.
For the Exporters.

By Thomas A. Rothwell, Jr.
Counsel for the Exporters.

I have determined that the provisions of Paragraph B completely eliminate the bounties or grants being provided in Colombia with respect to roses and other cut flowers exported to the United States and that the provisions of Paragraph C ensure that this agreement can be monitored effectively pursuant to section 704(d) of the Act. Furthermore, I have determined that this agreement meets the requirements of section 704(b) of the Act and is in the public interest as required in section 704(d) of the Act.

U.S. Department of Commerce.

Gary N. Horlick,
Deputy Assistant Secretary for Import Administration.

Appendix I

Alchalay
Agricola Benilda Ltda.
Agricola Papagayo Ltda.
Agrodex
Agrosuba Ltda.
Bogota Flowers Ltda.
CIBA Geigy Colombia S.A.
Claveles Colombianos Ltda.
CIA. Agricola y Commercial Ltda. (Roses Sabanilla)
Floramerica
Florandia Herrera Camacho
Florlinda Ltda.
Flores Alfaya Ltda.
Flores Colombianas Ltda.
Flores de Suba Ltda.
Flores de la Sabana S.A.
Flores del Campo Ltda.
Flores del Cielo Ltda.
Flores del Rio S.A.
Flores Estella Ltda.
Flores de Funza S.A.
Flores Jancalito Ltda.
Flores la Conchita
Flores la Macarnea Ltda. Monroy
Flores Los Rosales Ltda.
Flores Mountgar Ltda.
Flores San Carlos (Francisco Hennesy)
Flores Santa Fe Ltda.
Flores Technicas Ltda.
Flores Tejas Verdes Ltda.
Flores Tokai H.I. de Colombia S.A.
Flores Tropicales
Florex S.A.
Flores de Los Andes Ltda.
Flores Monteverde Ltda.
Flores de la Pradera Ltda.
Hacienda Curubital Ltda.
Hana Ichi de Colombia
Industrial Agricola
Agroindustria Riofrio Ltda.
Agricola El Jardin Ltda.
Eduardo Cubillos
Dianticola Colombiana Ltda.
Edir Ltda.
Flores Calichana Ltda.
Flores El Chircal Ltda.
Flores de Hunza Ltda.
Flores la Union. Gomez Arango Y CIA. S. en C.
Flores S.A. "Floresa"
Flores del Tambo Ltda.
Florexpo Ltda.
Hacienda la Embarrada Ltda.
Inversiones Penas Blancas Ltda.
Monserrate Ltda.
Multiflores Ltda.
Orquideas Acatayma Ltda.
Santana Flowers Ltda.
Rosas Tesalia
Rosas el Juncal Ltda.
Universal de Flores Ltda. "Unflor"
Flores Timana Ltda.
Cultivos del Lago
Flores Monserrate Ltda.
Inversiones Istra L Ltda.
Iversiones Targa Ltda.
Jardines Bacata Ltda.
Jardines de Chia Ltda.
Jardines de Colombia Ltda.
Jardines de Los Andes
Las Amalias S.A.
Las Flores Ltda.
Monteverde Ltda.
Plantas Ornamentales de Colombia Ltda.
Plantas S.A.
Pompones Ltda.
Rosaflor Ltda.
Rosales de Colombia Ltda.
Rosas de Colombia Ltda.
Rosas Colombia Ltda.
Rosas y Flores Ltda.
Roselandia Ltda.
Royal Carnations Ltda.
Santa Helena S.A.
Sansa Flowers Ltda.
Sun Flowers Ltda.
The Beall Company
Cultivos Del Caribe Ltda.
Exportaciones Bochica S.A.
Floral Ltda.
Flores Esmeralda Ltda.
Inv. Targa de Occidente Ltda.
Horticultura de la Sabana S.A.
Jardines del Muna

[FR Doc. 83-1361 Filed 1-17-83; 8:45 am]
BILLING CODE 3510-25-M

Wool From Argentina; Preliminary Affirmative Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Argentina of wool, as described in the "Scope of Investigation" section of this notice. The estimated net bounties or grants are indicated in the "Suspension of Liquidation" section of this notice. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the product subject to this determination which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or bond on this product in an amount equal to the estimated net bounties or grants. If this investigation proceeds normally, we will make our final determination by March 30, 1983.

EFFECTIVE DATE: January 18, 1983.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill or Barbara E. Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, Telephone: (202) 377-1273 or 0192.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that the government of Argentina provides certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (the "Act"), to manufactures, producers, or exporters in Argentina of wool, as described in the "Scope of Investigation" section of this notice. For purposes of this investigation, the program of incentives for exports leaving from southern ports is found to provide benefits which constitute bounties or grants within the meaning of the countervailing duty law. We estimate the net bounties or grants to be the amount indicated in the "Suspension of Liquidation" section of this notice.

Case History

On September 21, 1982, we received a petition filed in proper form from the National Wool Growers Association Inc. on behalf of the wool industry in the United States. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters of wool from Argentina. We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on October 18, 1982, we initiated a countervailing duty investigation (47 FR 46349).

Since Argentina is not a "country under the Agreement" within the meaning of section 701(b) of the Act,

section 303 of the Act applies to this investigation. Under section 303(a)(2) of the Act, the Department lacks authority to impose countervailing duties on duty-free goods where an international obligation of the U.S. exists which requires an injury determination (e.g., membership in the General Agreement on Tariffs and Trade or GATT), unless an affirmative injury determination is made. Argentina is a member of the GATT, and wool currently classified under items 306.3132 and 306.3334 of the *Tariff Schedules of the United States Annotated* (TSUSA) is duty-free. Therefore, the petitioner was required to allege and the International Trade Commission (ITC) is required to determine whether imports of this product cause or threaten to cause material injury to a U.S. industry. However, since the petitioner did not allege or provide information concerning injury on the duty-free items, we subsequently terminated our investigation of the wool classified under items 306.3132 and 306.3334 of the TSUSA (47 FR 57981). A complete listing of the TSUSA numbers covered by this determination is provided in the "Scope of Investigation" section of this notice.

On October 21, 1982, we presented a questionnaire concerning the allegations to the government of Argentina at its embassy in Washington, D.C. We received the response to the questionnaire on November 22, 1982. Subsequently, we determined that the case was "extraordinarily complicated" within the meaning of section 703(c)(1)(B)(i) of the Act, and we published a notice of postponement of the preliminary countervailing duty determination to not later than January 14, 1982 (47 FR 56532).

Scope of Investigation

The product covered by this investigation consists of wool currently classifiable under the following *Tariff Schedules of the United States Annotated* numbers:

306.3152	306.3273
306.3172	306.3354
306.3253	306.3374

The period for which we are measuring subsidization is January through June of 1982.

Analysis of Programs

Based on our analysis to date of the petition and response to our questionnaire, we have preliminarily determined the following.

I. Program Preliminarily Determined To Confer Bounties or Grants

We preliminarily determine that bounties or grants are being provided to manufacturers, producers, or exporters in Argentina of wool under the following program.

Incentives for Exports Leaving From Southern Ports

In Resolutions No. 11 and 368 of January 6 and March 23, 1981, respectively, the Ministry of Economy established a 10 percent reembolso for exports of products shipped from designated ports located in the southern region of Argentina. A reembolso is generally a refund, upon exportation of the product, of taxes that bear directly or indirectly on the exported product and/or its component raw materials.

However, according to information contained in the response and obtained in subsequent meetings with Argentine officials, the reembolso established for exports shipped through southern ports is not a rebate of taxes, but rather an incentive to encourage firms to ship through southern ports and a compensation to cover the added expenses of shipping through these ports. All wool exporters who ship through the designated southern ports receive the level or reembolso established for that port. The reembolso is either added to any other reembolso, or subtracted from any export duty, generally established for the product being exported.

In October 1982, the Ministry of Economy passed Resolution No. 287 which established different levels for this reembolso according to port of shipment. Reembolsos ranging from five to nine percent were established for eight ports. These new reembolsos became effective on December 1, 1982. Under Resolution No. 287, the reembolso for each port is scheduled to be reduced one percentage point annually.

Since the dreembolso for exports shipped through designated southern ports is a program which provides incentives to exporters and also a program which targets a specific region, we preliminarily determine that this reembolso confers benefits which constitute bounties or grants within the meaning of the countervailing duty law.

According to the government of Argentina, the only designated southern port through which wool was shipped during the period of January through July, 1982 was the port of Madryn. The reembolso for the port of Madryn is currently 6.0 percent. The government of Argentina has also stated that during the period of May through August, 1982, 56 percent of the wool exported to the United States was shipped through the port of Madryn. Using this information as the best information available, we calculated the amount of the net bounty or grant by finding the weighted-average of the reembolso based on the value of all exports of wool to the United States from January through June, 1982. Accordingly, the net bounty or grant for all exports of wool to the United States is 3.36 percent *ad valorem*.

We will seek additional information on the percentage of wool shipped through the port of Madryn for the period of investigation which will be used in making our final determination.

II. Programs Preliminarily Determined To Be Suspended

We preliminarily determine that the following programs have been suspended, and that they are currently not available to producers, manufacturers, or exporters of wool in Argentina.

A. Indirect Tax Refund on Exports (Reembolso)

The reembolso program was established in 1971. It authorized a refund by cash payment upon export, of taxes "that bear directly or indirectly" on exported products and/or their component raw materials for the purpose of promoting exports. The amount of the reimbursement is equal to a fixed percentage of the f.o.b. value of the exported merchandise. This percentage varies by product.

In 1976, the reembolso program was restructured and reembolso levels were established in accordance with a prescribed methodology. The levels ranged from 0 percent for primary goods to 25 percent for manufactured goods. At that time, none of the wool covered by this investigation was granted a reembolso. On December 12, 1979, the Ministry of Economy established a 5 percent reembolso for washed wool, which is covered by this investigation, on the basis of a fiscal incidence analysis containing data as of November 1, 1979. Except for a short period in May 1981, this 5 percent reembolso on washed wool remained in effect until May 4, 1982. On May 5, 1982, Resolution No. 437 abolished the 5 percent reembolso and established a 5 percent export duty on washed wool. Resolution No. 437 was, in turn, susperseded in July 1982 by Resolution No. 8 establishing a 15 percent export duty on washed wool. Exports of wool in the grease which is also covered by this investigation have been charged export duties since at least 1981.

Although exporters of washed wool may have received benefits through the reembolso established for washed wool, any benefits arising from this program would have been used on a current basis. Therefore, any wool that may have been accorded benefits under this program is not likely to enter the United States on or after the date of the suspension of liquidation of the merchandise.

Since export duties are currently levied on exports of wool covered by this investigation, we preliminarily determine that the reembolso program with respect to exports of wool has been suspended. If this investigation results in a countervailing duty order, and if the reembolso with respect to wool is reactivated, the Department will review its application to wool exporters in the annual reviews required under section 751 of the Act.

B. Multiple System of Exchange Rates

According to the questionnaire response, the currency market was divided into financial and commercial segments from June 22 through December 23, 1981, and from July 6 through October 31, 1982, and a dual exchange rate was in effect for foreign trade. The currency market was unified during the period for which we are measuring subsidization, and it has again been unified effective November 1, 1982. Therefore, we consider that this program has been suspended. However, we will seek additional information on the availability, timing and frequency of this program before making our final determination. If this investigation results in a countervailing duty order, and if the multiple system of exchange rates is reactivated, the Department will review its application to wool exporters in the annual reviews required under section 751 of the Act.

III. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that the programs listed below which were listed in the notice of "Initiation of Countervailing Duty Investigation: Wool from Argentina" are not being used by the manufacturers, producers, or exporters in Argentina of wool.

A. Pre-Financing of Exports Through Dollar Indexed Pesos

According to the government of Argentina, exports of wool, both washed and in the grease, are not included in the prefinancing of exports program.

B. Financial Reorganization Aids

The petitioner alleged that in July 1982, the government of Argentina through the Central Bank of the Argentine Republic changed all debts to five-year loans at six percent interest and offered subsidized interest rates on new loans. According to the government of Argentina, the wool sector has not received this type of loan.

IV. Program for Which Additional Information Is Needed

Government Assistance to Wool Producers in Patagonia

The petitioner alleged that the government of Argentina is providing state subsidized incentives to farmers. In the questionnaire response and in a supplemental letter, the government of Argentina states that wool producers in the Patagonian Zone received a compensation per kilogram of wool sold during the 1979/80, 1980/81, and 1981/82 wool harvests. The government also states that this program was discontinued during 1982. At this time, we lack sufficient information to determine whether the benefits accorded under this program would apply to wool entered into the United States after the date of publication of this notice. We will seek additional information on this program before reaching our final determination.

Verification

In accordance with section 776(a) of the Act, we will verify all the information used in making our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of wool from Argentina which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register, and to require a cash deposit or bond, for each such entry of the merchandise in the amount of 3.36 percent *ad valorem*.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity of comment on these preliminary determinations at 10:00 a.m. on February 10, 1983, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C., 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by February 3, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.34, within thirty days of this notice's publication, at the above address and in at least ten copies.

Dated: January 12, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-1330 Filed 1-17-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Requesting Public Comment on and Announcing Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile and Apparel Products From the People's Republic of China

January 14, 1983.

On December 28, 1982 a notice was published in the Federal Register (47 FR 57748) which advised the public that if no mutually satisfactory solution were reached by January 15, 1983 in negotiations between the Governments of the United States and the People's Republic of China in the effort to conclude a new bilateral agreement, the United States Government would take further action under Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), to control imports of cotton, wool, and man-made fiber textile products from the People's Republic of China, effective on January 1, 1983.

Further discussions have taken place, but no agreement has yet been reached. Accordingly, until modified, pursuant to agreement or otherwise, in order to avoid market disruption, or threat thereof, and to assure that the operation of the Arrangement Regarding International Trade in Textiles (MFA) is not frustrated, the Government of the United States has informed the Government of the People's Republic of China that, effective on January 1, 1983, imports of cotton, wool, and man-made fiber textile products, produced or manufactured in China, will be restrained to ensure that the following levels are not exceeded for the periods indicated below:

Category	Jan. 1, 1983–Dec. 31, 1983
315	[1]92,500,000
331	[2]3,382,165
334	[2]192,600
335	[2]265,000
338	[2]601,929
338 pt.	[2]467,750
339	[2]885,280
340	[2]584,064
341	[2]443,456
342	[2]94,744
347/348	[2]1,414,672
445/446	[2]252,500
448	[3]13,060
631	[2]433,879
645/646	[2]583,495
649	[2]465,818
	July 30, 1982–July 29, 1983
337	[2]717,382
640	[2]944,132
641	[2]759,996
648	[2]833,162
	Nov. 26, 1982–Nov. 25, 1983
333	[2]41,538
345	[2]59,446
443	[3]7,271
635	[2]391,690
	Oct. 20, 1982–Jan. 17, 1983
351	[3]79,416
363	[4]4,882,449
634	[2]103,429
647	[2]195,671
	Dec. 1, 1982–Feb. 28, 1983
350	[2]24,586
447	[2]20,634
	Jan. 18, 1983–Jan. 17, 1984
351	[2]244,468
363	[4]14,718,906
634	[2]318,905
647	[2]623,720
	Mar. 1, 1983–Feb. 29, 1984
350	[2]74,547
447	[2]53,599

[1] Square yards.
[2] Dozen pairs.
[3] Dozen.
[4] Number.

A description of the texile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

The foregoing levels, other than those established for the twelve-month period which began on January 1, 1983 and extends through December 31, 1983, supersede levels established for those categories under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, which expired on December 31, 1982. The United States reserves the right in light of future trade developments to adjust these levels during the indicated restraint periods and also to control additional categories of textile products.

As announced in the notice document preceding the directive of December 6, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs (See 47 FR 55407), charges of 36,351 dozen will be made to the level of restraint for cotton textile products in Category 335 to account for 1981 overshipments which were deducted from imports charged to the 1982 level for this category.

Cotton, wool, and man-made fiber textile products in Categories 331, 334, 335, 338, 339, 340, 341, 347/348, 445/446, and 645/646, exported to the United States during the twelve-month period which began on January 1, 1982 and extended through December 31, 1982, shall, to the extent of any unfilled balances, be charged against the levels of the restraint established for such goods during that period. Cotton textile products in Category 315, exported during the period which began on January 19, 1982 and extended through December 31,, 1982, shall, to the extent of any unfilled balance, be charged to the level of restraint established for that period. In the event the applicable restraint levels for these periods have been exhausted by previous entries, such goods shall be subject to the levels for the twelve-month period beginning on January 1, 1983.

Textile products in Categories 337, 640, 641, and 648 and 333, 345, 443, and 635, exported during the ninety-day restraint periods previously established, which are in excess of the levels stipulated for those periods, will be charged to the twelve-month levels established in the following letter to the Commissioner of Customs for the twelve-month periods which end, respectively, on July 29, 1983 and November 25, 1983.

Textile products in Categories 351, 362, 634, and 647 exported during the ninety-day period which began on October 20, 1982 which are in excess of the levels of restraint established for that period will be charged to the levels established for the twelve-month period ending on January 17, 1984.

Textile products in Categories 350 and 447 exported during the ninety-day period which began on December 1, 1982 which are in excess of the levels of restraint established for that period will be charged to the levels established for the twelve-month period ending on February 29, 1984.

All of these actions are taken pursuant to Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854). The decision to take such actions was made by the Textile Trade Policy Group at the recommendation of the Committee for the Implementation of Textile Agreements.

Further discussions are anticipated with the Government of the People's Republic of China. The letter published below is subject, therefore, to termination or revision as a result of those discussions.

Any party wishing to comment or provide data or information regarding the treatment of the categories specified in this document, or on any other aspect thereof, or to comment on domestic production or availability of textiles and apparel included in these categories, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of further discussions with the Government of the People's Republic of China is not certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

In the letter published below the Chairman of the Committee for the Implemention of Textile Agreements directs the Commissioner of Customs, effective on January 1, 1983 and for the stipulated restraint periods, to limit the amounts of cotton, wool, and man-made fiber textile products in the foregoing categories, produced or manufactured in the People's Republic of China, which may be entered or withdrawn from warehouse for consumption in the United States, to the designated levels.

Effective date: January 19, 1983.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive supersedes the directives of August 23, October 19, November 12, and December 3, 1982, which directed you to prohibit entry of certain cotton, wool, and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during specified periods.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 19, 1983 and for the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in Categories 315, 331,334, 335, 338, 339, 340, 341, 342, 347/348, 445/446, 448, 631, 645/646, and 649, produced or manufactured in China and exported during that twelve-month period, in excess of the following levels of restraint:

Category	12-Month Level of Restraint [1]
315	[2]92,500,000
331	[3]3,382,165
334	[4]192,600
335	[4]265,000
338	[4]601,929
338 pt. [1]	[4]467,750
339	[4]865,280
340	[4]584,064
341	[4]443,456
342	[4]94,744
347/348	[4]1,414,672
445/446	252,500
448	[4]13,060
631	[3]433,879
645/646	[4]583,495
649	[4]485,618

[1] In Category 338, only T.S.U.S.A. Numbers 379.0240 and 379.4050.
[2] Square yards.
[3] Dozen pairs.
[4] Dozens.

Also effective on January 19, 1982, you are directed to prohibit entry for consumption or withdrawal from warehouse for consumption, of cotton, wool, and man-made fiber textile products in the following categories in excess of the levels of restraint established for merchandise exported during the indicated time periods:

Category	July 30, 1982–July 29, 1983
337	[1]717,382
640	[1]944,132
641	[1]759,996
648	[1]833,162
	Nov. 26, 1982–Nov. 25, 1983
333	[1]41,536
345	[1]59,448
443	[2]7,271
635	[1]331,690

Category	Oct. 20, 1982–Jan. 17, 1983
351	[1]79,416
363	[2]4,862,449
634	[1]103,429
647	[1]195,671
	Dec. 1, 1982–Feb. 28, 1983
350	[1]24,586
447	[1]20,634
	Jan. 18,1983–Jan.17, 1984
351	[1]244,463
363	[2]14,718,906
634	[1]318,905
647	[1]623,720
	Mar. 1, 1983–Feb. 29, 1984
350	[1]74,547
447	[1]53,599

[1] Dozens.
[2] Numbers.

In carrying out this directive, imports of cotton, wool, and man-made fiber textile products in Categories 331, 334, 335, 338, 338, 339, 340, 341, 347/348, 445/446, and 645/646, produced or manufactured in China and exported to the United States during the twelve-month period which began on January 1, 1982 and extended through December 31, 1982, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that period. Cotton textile products in Category 315, exported during the period which began on January 19, 1982 and extended through December 31, 1982, shall, to the extent of any unfilled balance, be charged to the level of restraint established for the category during that period. In the event the levels for those foregoing periods have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive for the twelve-month period which began on January 1, 1983. Cotton, wool, and man-made fiber textile products in Categories 342, 448, 631, and 649 which have been exported before January 1, 1983 shall not be subject to this directive.

Textile products in Categories 337, 640, 641, and 648 and in Categories 333, 345, 443, and 635 exported during the previously established ninety-day periods, shall, to the extent of any unfilled balances, be charged to the levels of restraint established for those ninety-day periods. Merchandise in Categories 337, 640, 641, and 648 and in Categories 333, 345, 443, and 635 which is in excess of those levels shall be charged to the levels established in this directive for the respective twelve-month restraint periods which end on July 29, 1983 and November 25, 1983.

Textile products in Categories 351, 363, 634, and 647 exported during the ninety-day period beginning on October 20, 1982 and extending through January 17, 1983, shall, to the extent of any unfilled balances be charged against the levels established for that period. Merchandise in Categories 351, 363, 634, and 647 which is in excess of the levels established for such goods during that ninety-day period shall be charged to the levels established for the twelve-month period beginning on January 18, 1983 and extending through January 17, 1984.

Textile products in Categories 350 and 447, exported during the ninety-day period which began on December 1, 1982 and extends through February 28, 1983, shall, to the extent of any unfilled balances, be charged against the levels established for that period. Merchandise in Categories 350 and 447 which is in excess of the levels established for such goods during that ninety-day period shall be charged to the levels established for the twelve-month period beginning on March 1, 1983 and extending through February 29, 1984.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton, wool, and man-made fiber textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-1381 Filed 1-14-83; 10:28 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Intent to Prepare Environmental Impact Statement

The United States Air Force, Department of Defense, will prepare an environmental impact statement (EIS) for use in decision-making regarding the selection of land areas and sites for the proposed deployment and operation of the Peacekeeper strategic weapon system which is an advanced land based, intercontinental ballistic missile.

This notice of intent is published as required by the regulations of the Council on Environmental Quality in Title 40, Code of Federal Regulations, § 1501.7 on implementation of the provisions of the National Environmental Policy Act of 1969 (NEPA).

The Department of the Air Force will serve as the lead agency and will supervise the preparation of the EIS. Cooperating agencies, if any, will be specified in subsequent notices to be issued by the Department of the Air Force.

The EIS covered by this notice will describe the nature, range, degree and extent of impacts which may be associated with the siting of the Peacekeeper missile system and its support facilities on and within the region of F. E. Warren AFB, Wyoming.

The draft EIS is scheduled to be completed in the spring of 1983. Upon issuance of the draft statement, a public comment period and public hearings are planned to obtain comments. The final environmental statement is scheduled to be published in the fall of 1983.

The Department of the Air Force is planning to conduct a series of meetings to determine the nature, extent, and scope of the issues and concerns that should be addressed in the environmental impact statement related to the proposed action. The purpose of the scoping process is to reduce paperwork in the EIS process and focus impact statements on significant environmental issues, while limiting or eliminating the consideration of those that are not significant or beneficial in decision-making. This scoping process is planned to include affected Federal, regional, State and local agencies, organizations, interest groups, and the general public in the geographic areas potentially affected by the proposed Peacekeeper missile system. During the meetings, and subsequent to the meetings, individuals, organizations and governmental agencies will be invited to submit views on issues to be included in the environmental statement and on the Department of the Air Force's plan and approach on analyzing and evaluating the identified issues. Information packages of materials containing lists of issues, problem areas, and proposed studies resulting from the scoping meetings, will be made available to any organization or individual requesting them. Notice of the time and place of the planned scoping meetings will be made available to public officials and announced in the news media in the areas where the meetings will be held.

If the proposed action of basing 100 Peacekeeper Missiles in 100 silos near F. E. Warren AFB, Wyoming, is changed, the data collected during this scoping effort may still be valid. The Air Force will re-evaluate the data collected versus the basing mode selected and make a determination if further data collection is needed. This effort is necessary so that the Environmental Impact Analysis Process may be started in a timely manner, and it will also contribute to an early Initial Operating Capability for the Peacekeeper Missile System.

To assure that the Department of the Air Force will have sufficient time to consider public inputs on issues which are to be included in the development of an environmental impact statement, comments should be forwarded to the addressee listed below by 16 February 1983.

For further information concerning the Peacekeeper program and the environmental impact statement activities, contact the following: Lt Col William A. Verkest, AFRCE–MX/DEV, Norton Air Force Base, California 92409, (714) 382–4891.

Charlie C. Ratcliffe,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 83–1455 Filed 1–17–83; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

January 10, 1983.

The USAF Scientific Advisory Board ad hoc committee on Software will meet at Research Triangle Park, Raleigh, North Carolina, February 6–7, 1983. The purpose of the meeting will be to make assignments to individual panel members, review the task statement and agree to the planned schedule of subsequent meetings. The meetings will convene at 8:00 p.m. and adjourn at 10:00 p.m. on both evenings. This planning meeting is scheduled in conjunction with the DOD Software Initiative Workshop.

The meeting will be open to the public, however, seating will be limited to those personnel presenting significant academic and industry credentials as well as discussion topics pertinent to the task statement before the committee.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–1353 Filed 1–17–83; 8:45 am]

BILLING CODE 3910–01–M

Department of the Navy

Public Information Collection Requirement Submitted To OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

EXTENSION

Reference Questionnaire, Reserve Officer Training Corps (NAVCRUIT 1131/8).

Use to collect information by which to make a determination as to the applicant's academic and leadership potential and eligibility for an NROTC scholdarship.

Teachers and other adults well acquainted with the applicant and upon applicant's request: 36,000 responses, 12,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from CDR Maryanne Hayes, Navy Recruiting Command (Code 314), 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone (202) 696–4581.

M.S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 13, 1983.

[FR Doc. 83–1377 Filed 1–17–83; 8:45 am]

BILLING CODE 3810–01–M

Office of the Secretary

Defense Science Board Task Force on the Transition of Weapon Systems From Development To Production; Notice of Advisory Committee Meeting

The Defense Science Board Task Force on the Transition of Weapon Systems from Development to Production will meet in closed session on 17 February 1983 in Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering

on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 17 February 1983 the Task Force will review, evaluate, and make recommendations concerning ways to improve and accelerate the transition of weapon systems into production. They will also consider training emphasis and possibilities for improvement in the internal management process.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

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

[FR Doc. 83-1378 Filed 1-17-83; 8:45 am]

BILLING CODE 3810-01-M

Privacy Act of 1974; New Systems of Records

AGENCY: Office of the Secretary of Defense DOD.

ACTION: Addition of a new system of records.

SUMMARY: The Office of the Secretary of Defense proposes to add a new system of records to its inventory of systems of records subject to the Privacy Act of 1974. The system notice for the new system is set forth below.

DATE: This system will become effective February 17, 1983.

ADDRESSES: Send all comments to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, The Pentagon, Washington, D.C. 20301. Telephone 202/695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) system notices for system of records subject to the Privacy Act of 1974, Title 5 United States Code, Section 552a (Pub. L. 93–579; 44 Stat. 1896 *et seq.*) have been published in the **Federal Register** at:

FR Doc. 82–674 (47 FR 2544) January 18, 1982
FR Doc. 82–3758 (47 FR 6462) February 12, 1982
FR Doc. 82–21537 (47 FR 34441) August 9, 1982
FR Doc. 82–23920 (47 FR 38574) September 1, 1982
FR Doc. 82–24630 (47 FR 39561) September 8, 1982
FR Doc. 82–25638 (47 FR 41156) September 17, 1982
FR Doc. 82–25636 (47 FR 41162) September 17, 1982
FR Doc. 82–27105 (47 FR 43416) October 1, 1982
FR Doc. 82–27593 (47 FR 44382) October 7, 1982
FR Doc. 82–28509 (47 FR 46353) October 18, 1982
FR Doc. 82–28515 (47 FR 46355) October 18, 1982

The proposed system is within the purview of the provisions of 5 U.S.C. 552a(o) of the Act and a system report was submitted on December 6, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 13, 1983.

DMRA&L 23.0

SYSTEM NAME:

Educator Certification/Recertification Files

SYSTEM LOCATION:

Records are maintained at the schools, regional offices, and the Office of Dependent Schools (ODS), Alexandria, Virginia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system applies to all Department of Defense Dependents Schools (DoDDS) teachers, as the term "teacher" is defined in 20 United States Code 901, and to all DoDDS excepted service and ODS educators classified in the 1710 or related series.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of transcripts and/or othe documentary evidence, as necessary, for recertification reneval and maintenance. Also included are internal forms used to summarize this data and to certify that it has been reviewed by appropriate officials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 931, recurring provisions of the annual DoD Appropriations Act, and Department of Defense Directive 1342.6, "Department of Defense Dependents Schools," October 17, 1978, and Change 1, thereto.

PURPOSE(S):

Dependents schools' administrators use this information to determine the eligibility of applicable employees to be certified/recertified.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information may be supplied to States with whom the Department of Defense Dependents Schools has reciprocal agreements for respect of certificates issued/revoked by the respective systems.

Records may be disclosed to educational accrediting institutions and organizations during review of a school or schools.

Records may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order. Every reasonable effort will be made to notify individuals when records pertaining to them are made available under compulsory legal process.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders in locking cabinets, rooms, and/or secure buildings (when possible), located at schools, regional offices, and ODS.

RETRIEVABILITY:

The files are arranged alphabetically or by social security number (at the option of the custodian).

SAFEGUARDS:

Paper records are maintained in files which are located in locked cabinets, rooms, and/or buildings, which are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained for the current as well as the upcoming certification cycles. Records for an expired certification cycle are retained for 2 years; then, they are destroyed or returned to the employee. If a teacher leaves the system, the file is maintained for two years following the current expiration date of the certificate and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Mr. Mervin Scott, Chief, Personnel Division, ODS, 2461 Eisenhower Avenue, Alexandria, VA 22331.

NOTIFICATION PROCEDURE:

Information may be obtained from the principal, regional certification coordinator, ODS certification coordinator, or the Chief, Personnel Division, ODS.

RECORD ACCESS PROCEDURES:

Educators may request to see their files from the individual in charge of certification at their particular location.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and contesting contents and for appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b and ODS Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is obtained from the individuals concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-1382 Filed 1-17-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Discretionary Grant Programs; Application Notice Establishing Closing Dates for Transmittal of Certain Fiscal Year 1983 Applications

AGENCY: Education Department.

ACTION: Application notice establishing closing dates for transmittal of certain Fiscal Year 1983 applications.

SUMMARY: The purpose of these application notices is to inform potential applicants of fiscal and programmatic information and closing dates for transmittal of applications for awards under certain programs administered by the Department of Education.

Organization of Notice

This notice contains two parts. Part I includes, in chronological order, the list of all application closing dates covered by this notice and the application notices previously published. The previously published application notices are designated by an asterisk and the entry contains the publication date, the page number of the **Federal Register** issue where the application notice can be found, and the closing date. Part II contains the individual application announcements for each program.

Insturctions for Transmittal of Applications

Applicants should note specifically the instructions for the transmittal of applications included below:

Transmittal of Applications: Applications for new projects must be mailed or hand delivered on or before the closing date given in the individual program announcements included in this document.

To be assured of consideration for funding, applications for noncompeting continuation awards should be mailed or hand delivered on or before the closing date given in the individual program announcements included in this document.

If an application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: Applications must be addressed to the Department of Education Application Control Center, *Attention:* (insert appropriate CFDA Number), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant for a new project will be notified that its application will not be considered.

Applications Delivered by Hand: Hand-delivered applications must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application for a new project that is hand delivered will not be accepted by the Application Control Center after 4:30 p.m. on the closing date.

PART I.—LIST OF PROGRAM APPLICATION ANNOUNCEMENTS PUBLISHED IN THIS NOTICE AND THOSE PREVIOUSLY PUBLISHED

CFDA	Program		Closing date
*84.029	Handicapped Personnel Preparation—Noncompeting Continuations	47 FR, 32682, July 28, 1982	09/15/82
*84.042	Special Services for Disadvantaged Students—Noncompeting Continuations	47 FR, 35810, Aug. 17, 1982	09/20/82
*84.101	Program for Indian Tribes and Indian Organizations—Noncompeting Continuations	47 FR, 32683, July 28, 1982	10/01/82
*84.024	Handicapped Children's Early Education Program—Noncompeting Continuations	47 FR, 38385, Aug. 31, 1982	10/14/82
*84.133	Research and Training Center, Rehabilitation Engineering Centers, Research and Demonstration Projects, Knowledge Dissemination and Utilization—New Projects.	47 FR, 37291, Aug. 25, 1982	10/15/82
*84.019	Fulbright-Hays Training Grants Faculty Research Abroad—New projects	47 FR, 32683, July 28, 1982	10/29/82
*84.022	Fulbright-Hays Training Grants Doctoral Dissertation Research—New projects	47 FR, 32683, July 28, 1982	10/29/82
*84.036	Library Career Training Programs—New projects	47 FR, 38385, Aug. 31, 1982	11/01/82
*84.015	National Resource Centers Program and Foreign Language and Area Studies Fellowship Program—New projects.	47 FR, 38386, Aug. 31, 1982	11/01/82
*84.116E	Fund for the Improvement of Postsecondary Education Mina Shaughnessy Scholors Project—New projects.	47 FR, 44384, Oct. 7, 1982	11/09/82
*84.003F	Bilingual Education Fellowship Program- -New projects	47 FR, 38387, Aug. 31, 1982	11/12/82
*84.091	Strengthening Research Library Resources Program—New projects	47 FR, 38388, Aug. 31, 1982	11/15/82
*84.066	Educational Opportunity Centers Program—Noncompeting Continuations	47 FR, 46881, Oct. 21, 1982	11/22/82
*84.044	Talent Search Program—Noncompeting Continuations	47 FR, 46881, Oct. 21, 1982	11/22/82
*84.003C	Bilingual Education Act Basic Projects in Bilingual Education Program—Noncompeting Continuations.	47 FR, 46735, Oct. 20, 1982	11/29/82 03/15/83
*84.120A	Minority Institutions Science Improvement Program—New projects Institutional, Design, and Cooperative Grants Special Projects Grants.	47 FR, 42606, Sept. 28, 1982	12/03/82 03/04/82
*84.003B	Bilingual Education Act—Demonstration Projects Program—Noncompeting Continuations	47 FR, 46737, Oct. 20, 1982	12/03/82 03/11/83
*84.072, *84.061, *84.062	Indian Education—Noncompeting Continuations	47 FR, 44833, Oct. 12, 1982	12/06/82
*84.021	Fulbright-Hays Training Grants Group Projects Abroad—New projects	47 FR, 46736, Oct. 20, 1982	12/08/82
*84.020	Fulbright-Hays Training Grants Foreign Curriculum Consultants Program—New projects	47 FR, 46736, Oct. 20, 1982	12/08/82
*84.116A	Fund for the Improvement of Postsecondary Education Comprehensive Program—Preapplications and New projects.	47 FR, 46737, Oct. 20, 1982	12/14/82

PART I.—LIST OF PROGRAM APPLICATION ANNOUNCEMENTS PUBLISHED IN THIS NOTICE AND THOSE PREVIOUSLY PUBLISHED—Continued

CFDA	Program		Closing date
*84.003K	Bilingual Education Act Training Projects Program—(Activities A, B, C), Noncompeting Continuations.	47 FR, 46738, Oct. 20, 1982	12/15/82
*84.005	College Library Resources—New projects	47 FR, 44834, Oct. 12, 1982	12/15/82
*84.003H	Bilingual Education Act—State Educational Agency Projects for Coordinating Technical Assistance—New projects.	47 FR, 46739, Oct. 20, 1982	12/20/82
*84.003H	Bilingual Education Act—State Educational Agency Projects for Coordinating Technical Assistance Program—Noncompeting Continuations.	47 FR, 46739, Oct. 20, 1982	12/20/82
*84.003E	Bilingual Education Act—School of Education Projects Program—New Projects	47 FR, 46740, Oct. 20, 1982	12/21/82
*84.003E	Bilingual Education Act—School of Education Projects—Noncompeting Continuations	47 FR, 46741, Oct. 20, 1982	12/21/82
*84.060	Indian Education Grants to Local Educational Agencies and Tribal Schools—New and Noncompeting Continuations.	47 FR, 44834, Oct. 12, 1982	12/22/82
*84.087	Indian Education Fellowships for Indian Students—Noncompeting Continuations	47 FR, 44835, Oct. 12, 1982	12/30/82
*84.047	Upward Bound Program—New Projects	47 FR, 47628, Oct. 27, 1982	12/23/82
*84.077	Bilingual Vocational Training—New Projects	47 FR, 46741, Oct. 20, 1982	12/29/82
*84.077	Bilingual Vocational Training—Noncompeting Continuations	47 FR, 46742, Oct. 20, 1982	12/29/82
*84.099	Bilingual Vocational Instructor Training—New projects	47 FR, 46742, Oct. 20, 1982	12/29/82
*84.099	Bilingual Vocational Instructor Training—Noncompeting Continuations	47 FR, 46743, Oct. 20, 1982	12/29/82
*84.072, *84.061, *84.062	Indian Education—New projects	47 FR, 44835, Oct. 12, 1982	01/04/83
*84.094	Graduate and Professional Study Fellowships Program—New and Noncompeting Continuations.	47 FR, 49698, Nov. 2, 1982	01/05/83
*84.003D	Bilingual Education Act—Basic Project in Bilingual Programs—New projects	47 FR, 46743, Oct. 20, 1982	01/07/83
*84.017	International Research and Studies Program—New and Noncompeting Continuations	47 FR, 46744, Oct. 20, 1982	01/07/83
*84.116D	Fund for the Improvement of Postsecondary Education-Comprehensive Program Final Year Dissemination—New projects.	47 FR, 38388, Aug. 31, 1982	01/11/83
*84.003B	Bilingual Education Act—Demonstration Projects Program—New Projects	47 FR, 46745, Oct. 20, 1982	01/12/83 exd. 01/28/83
*84.003L	Bilingual Education Act—Training Projects Program (Activity D)—Noncompeting Continuations.	47 FR, 46746, Oct. 20, 1982	01/14/83
*84.003N	Bilingual Education Act-Training Projects Program (Activity E)—Noncompeting Continuations	47 FR, 46747, Oct. 20, 1982	01/14/83
*84.128A	Special Projects for Demonstrations for providing Vocational Rehabilitation Services to Severely Handicapped Individuals—Noncompeting Continuations.	47 FR, 53451, Nov. 26, 1982	01/14/83
*84.128E	Special Project and Demonstrations for providing Vocational Rehabilitation Services to Severely Handicapped Individuals (Spinal Cord Injury System Projects)—Noncompeting Continuations.	47 FR, 53451, Nov. 26, 1982	01/14/83
*84.024C	Handicapped Children's Early Education Program; State Implementation—New Projects	47 FR, 53091, Nov. 24, 1982	01/14/83
*84.024B	Handicapped Children's Early Education Program; Outreach—New Projects	47 FR, 53092-53093, Nov. 24, 1982	01/17/83
*84.116C	Fund for the Improvement of Postsecondary Education—Noncompeting Continuations	47 FR, 38389, Aug. 31, 1982	01/18/83
*84.055	Cooperative Education Program	47 FR, 50945, Nov. 10, 1982	01/21/83
*84.29B	Handicapped—Preparation of Special Educators—New Projects	47 FR, 52743-52744, Nov. 23, 1982	01/21/83
*84.029D	Handicapped—Preparation of Leadership Personnel—New Projects	47 FR, 52744, Nov. 23, 1982	01/21/83
*84.029F	Handicapped—Preparation of Related Services Personnel—New Projects	47 FR, 52744, Nov. 23, 1982	01/21/83
*84.029H	Handicapped—State Educational Agency Programming—New Projects	47 FR, 52744, Nov. 23, 1982	01/21/83
*84.029K	Handicapped—Special Projects—New Projects	47 FR, 52744, Nov. 23, 1982	01/21/83
*84.029S	Handicapped—Specialized Training of Regular Educators—New Projects	47 FR, 52744, Nov. 23, 1982	01/21/83
*84.029P	Handicapped—Preparation of Trainers of Volunteers Including Parents—New Projects	47 FR, 52744, Nov. 23, 1982	01/21/83
*84.128G	Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects—Noncompetng Continuations.	47 FR, 53452, Nov. 26, 1982	02/01/83
*84.132	Centers for Independent Living—Noncompeting Continuations	47 FR, 53452, Nov. 26, 1982	02/01/83
*84.003F	Bilingual Education Fellowship Program—Noncompeting Continuations	47 FR, 38389, Aug. 31, 1982	02/04/83
*84.129	Rehabilitation Long-Term Training Projects—Noncompeting Continuations	47 FR, 53452, Nov. 26, 1982	02/08/83
*84.024A	Handicapped Children's Early Education Program; Demonstration—New Projects	47 FR, 53092-53093, Nov. 24, 1982	02/11/83
*84.129D	Rehabilitation Continuing Education Programs—Noncompeting Continuations	47 FR, 53453, Nov. 26, 1982	02/15/83
*84.128B	Projects with Industry—Noncompeting Continuations	47 FR, 53453, Nov. 26, 1982	02/15/83
*84.141	Grants for Special Educational Programs for Students Whose Families are Engaged in Migrant and Other Seasonal Farmwork—High School Equivalency Program—New Projects.	47 FR, 55990, Dec. 14, 1982	02/16/83
*84.149	Grants for Special Educational Programs for Students Whose Families are Engaged in Migrant and Other Seasonal Farmwork—College Assistance Migrant Program—New Projects.	47 FR, 55991 Dec. 14, 1982	02/16/83
*84.094	Fellowships for Education for the Public Service Program—New and Noncompeting Continuations.		02/28/83
*84.023E	Research in Education for the Handicapped—Secondary Age/Level Projects—New Projects		03/07/83
*84.023F	Research in Education of the Handicapped—New Assessment Projects		03/07/83
*84.078	Regional Education Programs for Handicapped Persons—Noncompeting Continuations	47 FR, 38390, Aug. 31, 1982	03/18/83
*84.097	Law School Clinical Experience Program—New Projects		03/25/83
*84.073A	National Diffusion Network—New Projects		03/30/83
*84.023C	Field Initiated Research—Noncompeting Continuations	47 FR, 38390, Aug. 31, 1982	04/01/83
*84.129W	Training of Interpreters for the Deaf Individuals—Noncompeting Continuations		04/01/83

84.094—Fellowships for Education for the Public Service Program

Closing Date: February 28, 1983—New and Continuation Projects

Applications from institutions of higher education for grants to make fellowship awards are invited under the Education for the Public Service Program.

Authority for this program is contained in Part B of Title IX of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1134d-1134g).

The Education for the Public Service Program (Public Service) provides grants to institutions of higher education to support fellowships for graduate and professional study to students who demonstrate financial need and who plan to pursue a career in public service, especially at the State and local levels. Public Service fellowships are intended to provide opportunities for qualified students, particularly minorities and women who have traditionally been underrepresented in these areas.

Closing Date for Transmittal of Applications: An application for a grant must be postmarked or hand delivered by February 28, 1983.

Available Funds: In Fiscal Year 1982, a total of $1,920,000 was awarded to support a total of 234 fellowships at 44 institutions of higher education. It is estimated that approximately $1,920,000 will be available in Fiscal Year 1983. The Secretary will give first priority to providing continuation support for approximately 100 fellows in good

academic standing in their second year of study.

Each institutional applicant applying for new fellowships under this Application Notice will be ranked according to the selection criteria set forth at 34 CFR 649.13, governing the Public Service Program. Only one-year fellowship awards will be made in Fiscal Year 1983. Any continuation support needed for students to complete degree programs will be provided in subsequent years, subject to conditions in the regulations and the appropriation of funds.

These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Please note that requests for support of Public Service fellowships under the Graduate and Professional Study Fellowships Progam (GPOP) will not be considered for funding if Congress appropriates funds for the Public Service Program.

Application Forms: Application forms and program information packages are expected to be ready for mailing by January 14, 1983 and may be obtained by writing to the Graduate Programs Branch, Department of Education, (Room 3053, ROB-3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of a Public Service grant application not exceed 15 pages in length.

Applicable Regulations: Regulations applicable to this program include the following:

(1) Regulations governing the Education for the Public Service Program (34 CFR Part 649) which were published in the **Federal Register** on November 9, 1981 (46 FR 55255).

(2) Education Department General Administrative Regulations (EDGAR) 34 CFR Parts 74, 75, 77, and 78.

Further Information: For further information contact Dr. William C. Young, Chief, Graduate Programs Branch, U.S. Department of Education, (Room 3053, ROB-3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245-2347.

(20 U.S.C. 1134d-1134g).

84.023E—Research in Education of the Handicapped—Secondary Age/Level

Closing Date: March 7, 1983—New Projects.

Applications are invited for new Secondary Age/Level projects under the program for Research in Education of the Handicapped.

Authority for this program is contained in Sections 641 and 642 of Part E of the Education of the Handicapped Act.

(20 U.S.C. 1441, 1442)

The Secretary announces the selection of Secondary Age/Level as one of the priority areas for funding for Fiscal Year 1983 research awards under Part E. This selection was made in accordance with applicable program regulations (34 CFR 324.9(j), 324.10, and 324.11) and the Education Department's regulations governing the selection of priorities (34 CFR 75.105(b)).

The purpose of this program is to support projects related to hanicapped children who are of post-elementary age or grade level.

Closing Date for Transmittal of Applications: Applications for Secondary Age/Level projects must be mailed or hand delivered by March 7, 1983.

Available Funds: There is expected to be available $800,000 in FY 1983 for support of projects under this program. Projects should be designed for up to 18 months or less with budgets not to exceed $100,000 for the total period. These estimates do not bind the Department of Education to a specific number of awards or to the amount of any award unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages are available and may be obtained by writing to the Research Projects Branch, Special Education Programs, Department of Education, 400 Maryland Avenue, SW., (Donohoe Building, Room 4839), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed twenty (20) pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: regulations applicable to this program include the following:

(a) Regulations governing the Research in Education of the Handicapped (34 CFR Part 324).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: For further information contact Allen Dittmann, Research Projects Branch, Special Education Programs, Department of Education, 400 Maryland Avenue, SW., (Room 4839, Donohoe Building), Washington, D.C. 20202. Telephone: (202) 472-4640.

(20 U.S.C. 1441-1444)

84.023F—Research in Education of the Handicapped—Assessment Projects

Closing Date: March 7, 1983—New Projects.

Applications are invited for new Assessment Projects under the program for Research in Education of the Handicapped.

Authority for this program is contained in Section 641 and 642 of Part E of the Education of the Handicapped Act.

(20 U.S.C. 1441, 1442)

The Secretary announces the selection of Assessment Projects as one of the priority areas for funding for Fiscal Year 1983 research awards under Part E. This selection was made in accordance with applicable program regulations (34 CFR 324.9(c), 324.10, and 324.11) and the Education Department's regulations governing the selection of priorities (34 CFR 75.105(b)).

The purpose of this program is to support projects on assessment instruments and systems related to education of the handicapped.

Closing Date for Transmittal of Applications: Applications for new assessment projects must be mailed or hand delivered by March 7, 1983.

Available Funds: There is expected to be available $1,000,000 in FY 1983 for support of three projects under this program. Projects should be designed for 36 months or less with annual budgets of approximately $300,000.

Application Forms: Application forms and program information packages are

available and may be obtained by writing to the Research Projects Branch, Special Education Programs, Department of Education, 400 Maryland Avenue, SW., (Donohoe Building, Room 4839), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed twenty (20) pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Research in Education of the Handicapped (34 CFR Part 324).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: For further information contact Allen Dittmann, Research Projects Branch, Special Education Programs, Department of Education, 400 Maryland Avenue, SW., (Room 4839, Donohoe Building), Washington, D.C. 20202. Telephone: (202) 472-4640.

(20 U.S.C. 1441-1444)

84.097—Law School Clinical Experience Program

Closing Date: March 25, 1983—New Projects.

Applications are invited for new projects under the Law School Clinical Experience Program.

Authority for this program is contained in Title IX, Part E of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1134n-1134p)

This program issues awards to accredited law schools or combinations or consortiums of accredited law schools.

The purpose of the Law School Clinical Experience Program is to establish or expand projects at accredited law schools to provide supervised clinical experience to students in the practice of law.

Closing Date for Transmittal of Applications: Applications for awards must be mailed (postmarked) or hand delivered by March 25, 1983.

Program Information

Available funds: The program legislation permits the Secretary to pay up to 90 percent of the costs of projects at law schools. The program regulations permit the Secretary to establish annually a lower maximum Federal share. In Fiscal Year 1981 with a $3 million appropriation level the maximum Federal share was 80 percent. In Fiscal Year 1982 with a $960,000 appropriation, the maximum Federal share was 50 percent. It is estimated that approximately $605,000 will be available for Fiscal Year 1983. The Secretary is once again establishing a maximum Federal share of 50 percent. A major objective of this program is to increase the financial commitment of a law school to clinical legal education. Support of clinical legal education is not considered a permanent Federal responsibility. The setting of the Federal share at 50 percent supports the program's objective. The Secretary expects to make between 25 and 30 awards, with no individual grant exceeding $25,000.

These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless, that amount is otherwise specified by statute or regulations.

Final regulations governing the Law School Clinical Experience Program were published in the **Federal Register** on July 14, 1981. These regulations broadly define the types of projects the Secretary intends to support under this program. The regulations also specify the selection criteria to be used in evaluating applications.

Application Forms: Application forms and program information packages are expected to be ready for mailing by January 21, 1983. They may be obtained by writing to the Graduate Programs Branch, U.S. Department of Education, (Room 3068, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the criteria, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

Applicable Regulations: The regulations applicable to this program are:

(a) The Education Department General Administrative Regulations (EDGAR) in 24 CFR Parts 74, 75, 77, and 78; and

(b) The regulations in 34 CFR Part 639, published in the **Federal Register** on July 14, 1981, 46 FR 36338-36340.

Further Information: For further information contact Dr. William C. Young, Chief, Graduate Programs Branch, U.S. Department of Education, (Room 3068, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245-2347.

(20 U.S.C. 1134n-1134p)

84.073A—National Diffusion Network Program

Closing Date: March 30, 1983—New Projects.

Applications are invited for New Developer Demonstrator projects for Fiscal Year 1983 under the National Diffusion Network program.

The Secretary awards New Developer Demonstrator grants to public or nonprofit private agencies, organizations, and institutions that have developed an exemplary educational program as defined in the applicable regulations. The purpose of the program is to promote widespread installation across the Nation of rigorously evaluated, exemplary educational programs.

Authority for this program is contained in Section 583 of the Education Consolidation and Improvement Act of 1981 (Pub. L. 97-35).

(20 U.S.C. 3851)

Closing Date for Transmittal of Applications: Applications for New Developer Demonstrator grants must be mailed or hand delivered by March 30, 1983.

Program Information: It is expected that new awards will be for a period not to exceed four years contingent on performance and availability of funds. No New Facilitator project grants will be awarded.

Because of limited resources available, the Secretary has selected general content areas (these are called "absolute priorities" under EDGAR § 75.105(a)(3)) taking into account unmet national needs. This year, applications will be accepted in the following general content areas:

1. *Technology*—The Secretary invites applications which demonstrate programs that teach computer literacy and/or use technology to improve instruction in mathematics, science, reading for grades 6 and above, and writing.

2. *Science.*

3. *Mathematics.*

4. *Reading Programs* for Grades 6 and above, and for Language Arts—The Secretary invites applications which demonstrate programs for teaching foreign languages and which demonstrate programs that develop writing skills.

5. *Gifted and Talented.*

6. *Preservice or Inservice Training*—The Secretary invites applications which demonstrate programs designed to improve instruction in mathematics, reading (grades 6 and above), science, or writing, and programs designed to improve teacher utilization of technology in education.

7. *Bilingual Education*—The Secretary invites applications which demonstrate alternative programs for teaching English to students whose dominant language is not English.

Eligibility for applicants for new Developer Demonstrator grants is restricted as follows:

(a) An application may be submitted by any public or nonprofit private agency, organization, or institution that has developed an exemplary educational program; (b) if the agency that developed the exemplary educational program does not apply, another public or nonprofit private agency, organization, or institution may apply if the exemplary educational program continues in operation, is available for visitation, and if the staff is composed substantially of personnel who originally developed and operated the program; (c) both federally and nonfederally developed exemplary educational programs are eligible for NDN funding. "Exemplary educational program" means a program, product, or practice validated by the Joint Dissemination Review Panel (JDRP).

The Secretary selects applications for New Developer Demonstrator grants under each selected general content area separately. Thus, under this application notice there are seven separate competitions. The Secretary has also invited certain kinds of applications under some of the general content areas listed above (1, 4, 6, and 7). The Secretary seeks applications that meet these invitational priorities to encourage the submission of applications that address these specific needs. An application that meets an invitational priority receives no preference over other applications within the same general content area.

Available Funds: It is expected that approximately $500,000 will be available in Fiscal Year 1983 to support an estimated 10 new Developer Demonstrator projects averaging $50,000.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants under any of the priorities listed above or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms are included in a program information package that is expected to be ready for mailing by January 21, 1983. Interested persons may obtain program information packages by writing to the National Diffusion Network Division, U.S. Department of Education, Room 802, Riviere Building, 1832 M Street, NW., Washington, D.C. 20036.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion or the application not exceed 40 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the National Diffusion Network Program in 34 CFR Part 796 published in the **Federal Register** on April 21, 1980 (45 FR 26914).

(b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75, 76, 77, and 78.

Further Information: For further information contact Mr. Robert M. Mulligan, National Diffusion Network Division, U.S. Department of Education, Room 802, Riviere Building, 1832 M Street, NW., Washington, D.C. 20036. Telephone: (202) 653-7000.

(20 U.S.C. 3851)

84.129W—Training of Interpreters for Deaf Individuals

Closing Date: April 1, 1983—Noncompeting Continuations.

Applications are invited for noncompeting continuation grants under the Training of Interpreters for Deaf Individuals Program.

Authority for this program is contained in Section 304(d) of the Rehabilitation Act of 1973, as amended.

(29 U.S.C. 774(d))

Awards are made under this program to public or private non-profit agencies or organizations including public or private non-profit postsecondary institutions.

The purpose of this program is to train skilled manual and oral interpreters available for employment in public and private agencies involved in the provision of health, education, welfare, rehabilitation, employment and related services to deaf people. This program was established to assist in the training of a sufficient number of interpreters to meet the communication needs of deaf individuals.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by April 1, 1983.

If the application is late, the Department of Education may lack sufficient time to review it with other applications for noncompeting continuations and may decline to accept it.

Avialable Funds: It is estimated that approximately $900,000 will be available for support of noncompeting continuation grants in Fiscal Year 1983. Not more than ten individual grants are expected to be awarded; the size of each grant will vary and may range from approximately $50,000 to approximately $125,000.

However, these estimates do not bind the U.S. Department of Education to a specified number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages will be mailed to grantees who are eligible to apply for noncompeting continuations grants support under this notice.

Applications must be prepared and submitted in accordance with the instructions and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those

imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed fifteen (15) pages in length. The Secretary further urges applicants not submit information that is not requested.

Applicable Regulations: The regulations applicable to this program is the Education Department General Administrative Regulations (EDGAR) 34 CFR Parts 74, 75, 77, and 78.

Further Information: For further information contact Dr. Paul R. Ackerman, Acting Director, External Affairs, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Room 3119, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C. 20201. Telephone: (202) 245-0341.

(29 U.S.C. 774(d))

Dated: January 11, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-1285 Filed 1-17-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Conservation and Renewable Energy Office

Fuel Economy of Motor Vehicles; Availability of the 1983 Gas Mileage Guide

The Department of Energy (DOE) herby gives notice of the availability of the 1983 *Gas Mileage Guide*. The Environmental Protection Agency (EPA) has issued regulations on Fuel Economy, Testing, Labelling and Information Disclosure Procedures and Requirements (40 CFR Part 600) which among other things, contain requirements for dealers of 1981 and later model year automobiles and light trucks to have copies of a booklet, the *Gas Mileage Guide*, available and on display in their showrooms and to keep an adequate stock on hand to meet public demand. In the booklet, prospective purchasers will be able to find the fuel economies of the various model vehicles certified as of August 31, 1982 for sale in the United States. DOE is required by Section 506(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.), as added by Section 301 of the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), to publish and distribute this booklet. Section 606.405-77 of the EPA regulations states that dealers will be expected to make these booklets available as soon as they are received by them, but in no case later than 15 working days after notification is given of booklet availability. The publication today of this notice constitutes such notification.

The 1983 *Gas Mileage Guide* is available for display and distribution by dealers in their showrooms. Any dealer who has not already received *Guides* from DOE or requires additional copies should request copies in writing to the following address, specifying the quantity desired for the 49-State and/or the California version:

For bulk copies, write: Fuel Economy Distribution, Technical Information Center, Department of Energy, P.O. Box 62, Oak Ridge, Tennessee 37830.

Issued in Washington, D.C., January 6, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 83-1316 Filed 1-17-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 82-18-NG]

Natural Gas Imports, Tennessee Gas Pipeline Co.; Application for Interim Authorization to Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Application for Interim Authorization to Import Natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on November 22, 1982, of an application from Tennessee Gas Pipeline Company (Tennessee) for interim authorization to import from Canada up to 84,000 Mcf per day of natural gas during the time that its related import application in ERA Docket No. 82-10-NG is pending decision by the ERA. The imported volumes are to be purchased from Canadian-Montana Pipe Line Company (Canadian-Montana) on an interruptible basis beginning as soon as regulatory approval is obtained.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on February 17, 1983.

FOR FURTHER INFORMATION CONTACT:

Norman Breckner (Natural Gas Division, Office of Fuels Programs), Economic Regulatory Administration, Room GA-007 (RG-43), Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9482

Sue D. Sheridan (Office of General Counsel, Natural Gas and Mineral Leasing), Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6667

SUPPLEMENTARY INFORMATION: On November 22, 1982, Tennessee filed an application for authorization to import into the United States from Canada up to 84,000 Mcf per day of natural gas to be supplied by Canadian-Montana during the interim period until the ERA issues a decision on another import application Tennessee filed on August 10, 1982, in Docket No. 82-10-NG. In that docket, Tennessee requests authorization to import a total quantity of up to 309,000 Mcf per day of Canadian natural gas to be purchased under individual contracts from Canadian-Montana, KannGaz Producers, Ltd., and Ocelot Industries Ltd. over a 15 to 17 year period.

In its present application, Tennessee requests authorization to import gas to be purchased from Canadian-Montana under a Gas Purchase Agreement dated November 3, 1982 (Agreement). The Agreement provides for delivery of the gas either at an existing point of interconnection between the facilities of Tennessee and TransCanada PipeLines, Ltd. (TransCanada) near Niagara Falls, New York, or, at Tennessee's request, at the interconnection of TransCanada and another interstate pipeline system near Emerson, Manitoba. In addition, Tennessee states that the gas will be offered by Canadian-Montana and received by Tennessee strictly on an interruptible basis and the Agreement does not obligate Tennessee to take or Canadian-Montana to provide volumes during the interim period. The price of the proposed import would be the prevailing international border price which is currently $4.94 per MMBtu.

Tennessee states that Canadian-Montana has already received export authorization from the Canadian National Energy Board for the gas it proposes to import.

In support of its application, Tennessee asserts that having this supply of gas available on a best efforts basis will provide it flexibility to meet potentially heavy winter demand or emergency conditions which might impair its system operation. Tennessee further states that the proposed import will not impair its ability to render authorized natural gas service at

reasonable rates, and that therefore it will not be inconsistent with the public interest.

Other Information

Any person wishing to become a party to the proceeding, and thus to participate as a party in any conference or hearing which might be convened, must file a petition to intervene. Any person may file a protest with respect to Northern's application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements that are specified by the regulations that were in effect on October 1, 1977 in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Division, Economic Regulatory Administration, Room GA–007, RG–43, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. All protests and petitions to intervene must be filed no later than 4:30 p.m. February 17, 1983.

A hearing will not be held unless a motion is made by a party or person seeking intervention and is granted by the ERA, or if the ERA on its own motion believes that a hearing is necessary or required. A person filing a motion must demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, the ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Northern's application is available for inspection and copying in the Natural Gas Division Docket Room, located in Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on January 12, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–1317 Filed 1–17–83; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 4292–002]

Arkansas Electric Cooperative Corp.; Surrender of Preliminary Permit

January 12, 1983.

Take notice that Arkansas Electric Cooperative Corporation, Permittee for the proposed Irons Fork Dam Project No. 4292, requested by letter dated December 13, 1982, that its preliminary permit be surrendered. The preliminary permit was issued on December 4, 1981, and would have expired on July 1, 1983. the project would have been located on the Irons Fork of the Ouachita River in Polk County, Arkansas. The Premittee has determined that hydroelectric development will not be economically feasible at this time.

The surrender of the preliminary permit for Project No. 4292 is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–1289 Filed 1–17–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF82–198–000]

Mark L. Boyer; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 12, 1983.

On August 6, 1982, Mark L. Boyer, (Applicant) 15727 McCearly, Cypress, Texas 77429, 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 wind powered small power production facility will be located at the Applicant's address. The electric power production capacity of the facility will be 6.5 kilowatts. There is no other wind powered small power production facility owned by the Applicant located within one mile of the facility. 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. 83–1282 Filed 1–17–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP83–129–000]

Caprock Pipeline Co.; Application

January 12, 1983.

Take notice that on December 15, 1982, Caprock Pipeline Company (Applicant), P.O. Box 511, Amarillo, Texas 79163, filed in Docket No. CP83–129–000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states that it would comply with Section 284.221(d) of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the

certificate is required by the public convenience and necessity. It a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1270 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-76-000]

Cogeneration of Tennessee, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 12, 1983.

On November 29, 1982, Cogeneration of Tennessee, Inc., 6364 JAE Valley Road, S.E., Roanoke, Virginia 24014, 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 at Red Boiling Springs, Tennessee. The primary energy source to the facility will be biomass in the form of sawdust which will be burned in gas turbines. An incidental amount of propane will be used for start up purposes; otherwise no natural gas, oil or coal will be used in the facility. The electric power production capacity of the facility will be 12,000 kilowatts. There is no other biomass-fueled small power production facility owned by the Applicant and located within one mile of the facility. 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. 83-1271 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-106-000]

Colorado Interstate Gas Co., Application

January 12, 1983.

Take notice that on November 29, 1982, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP83-106-000 an application pursuant to Section 7 of the National Gas Act for permission and approval to abandon certain facilities and services rendered in connection with a March 15, 1968, exchange agreement, as amended, between Applicant and Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) and for certificate of public convenience and necessity authorizing the sale of gas to Kansas-Nebraska at three additional locations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon the following:

1. Facilities and exchange service at the Baker exchange meter station, Texas County, Oklahoma.

2. Exchange service at the Hugoton X-1 exchange meter station, Kearny County, Kansas.

3. Exchange service at the Weld County meter station, Weld County, Colorado.

4. Exchange service at the interconnection near the town of Lakin, Kearny County, Kansas.

5. Exchange service at the interconnection near the town of Deerfield, Kearny County, Kansas.

6. Exchange service at the interconnection near the town of Holcomb, Finney County, Kansas

Applicant states that the subject facilities and services are to be abandoned pursuant to Kansas-Nebraska's noticfication of its intent to cancel the exchange agreement effective December 1, 1982.

Applicant further states that to ensure continued gas deliveries to the towns of Lakin, Deerfield, and Holcomb, Kansas. Kansas-Nebraska has requested that deliveries to these towns be added to the service agreement under which Kansas-Nebraska purchases gas from Applicant. Applicant therefore requests certificate authority to add these sales delivery locations with maximum daily volume obligations of 2,750 Mcf, 900 Mcf, and 1,350 Mcf, respectively, at Lakin, Deerfield, and Holcomb. Applicant states that these volumes can be accommodated within the peak day and annual entitlements awarded to Kansas-Nebraska by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1272 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-126-000]

Columbia Gas Transmission Corp.; Application

January 12, 1983.

Take notice that on December 13, 1982, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83-126-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas services provided under an operating agreement which constitutes Applicant's FERC Gas Tariff, Original Volume No. 2, Rate Schedule X-13, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the services sought to be abandoned were provided under an operating agreement dated November 1, 1956, between Atlantic Seaboard Corporation (Seaboard) and United Fuel Gas Company (United Fuel), predecessor companies of Applicant, and Hope Natural Gas Company (Hope), predecessor of Consolidated Gas Supply Corporation (Consolidated). It is further stated that the November 1, 1956, agreement has been rendered null and void by a gas purchase contract dated July 21, 1964, entered into by Hope, Seaboard and United Fuel, which contract, it is said, is Consolidated's FERC Gas Tariff, Original Volume No. 3, Rate Schedule F-6.

Applicant states that upon receipt of the Commission's order authorizing the requested abandonment, its FERC Gas Tariff, Original Volume No. 2 Rate Schedule X-13, would be cancelled. The service, it is aid, has been inoperative since 1965.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1273 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI78-242-002]

EPX Co.; Application of EPX Company To Amend a Certificate of Public Convenience and Necessity Previously Issued to Odessa Natural Corporation

January 12, 1983.

Take notice that on December 1, 1982, EPX Company ("Applicant") of Post Office Box 1492, El Paso, Texas 79978, filed an application as a Independent Producer, to amend the certificate of public convenience and necessity issued by the Commission at Docket No. CI78-242 by substituting EPX Company as certificate holder in lieu of Odessa Natural Corporation ("Odessa") effective from and after January 1, 1981. Applicant is also requesting redesignation of Odessa's rate schedule as the rate schedule of EPX Company to become effective June 3, 1980.

By Articles of Amendment to the Articles of Incorporation of Odessa Natural Corporation, dated December 9, 1980, the name of Odessa was changed to EPX Company, effective January 1, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 27, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission of its own review of the matter believes that a grant of the certificates of the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1275 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-19534-001, et al.]

Farmland Industries Inc. (Successor In Interest To CRA Inc.), et al.; Petition To Amend Certificates of Public Convenience and Necessity, Redesignate Rate Schedules, and Substitute Farmland Industries, Inc. as a Party

January 12, 1983.

Take notice that on August 31, 1982, Farmland Industries, Inc. (Farmland) of 3315 North Oak Trafficway, Kansas City, Missouri 64116, filed a petition with the Commission in Docket Nos. G-19534-001, *et al.*, to amend the certificates of public convenience and necessity heretofore issued to CRA Inc. (CRA), redesignate the related FERC Rate Schedules as designated in Exhibit A attached hereto and substitute Farmland as a party to proceedings in which it is a party in order to reflect the merger of CFR into Farmland effective August 1, 1982.

Effective August 1, 1982, CFR was merged into Farmland as evidenced by

the "Certificate of Ownership and Merger of CFR, Inc. into Farmland Industries, Inc.".

Any person desiring to be heard or to make any protest with reference to said application should on or before January 27, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission of its own review of the matter believes that a grant of the certificates of the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

FARMLAND INDUSTRIES, INC. ("FARMLAND") RATE SCHEDULES OF CRA, INC. ("CRA") AND PROPOSED REDESIGNATION SEQUENCES BY FARMLAND [1]

Rate schedule designation		Docket No.	Purchaser	Field
Farmland	CRA			
1	5	CI62-1525	Arkansas Louisiana Gas Company	Lamont Gas Products Plant, Grant and Garfield Counties, Oklahoma.
2	46	CI61-15	Arkansas Louisiana Gas Company	Quitman Gas Products Plant, Wood County, Texas.
3	48	G-19534	Northern Natural Gas Company	Mertzon Plant, Irion County, Texas.
4	49	CI63-780	Northern Natural Gas Company	Mertzon Plant, Irion County, Texas.
5	51	CI66-1106	Northern Natural Gas Company	Mertzon Plant, Irion County, Texas.
6	54	CI74-206	McCulloch Interstate Gas Corporation	Lazy "B" Gas Processing Plant, Campbell County, Wyoming.
7	55	CI74-214	Montana-Dakota Utilities Company	Joe Creek Gas Processing Plant, Campbell County, Wyoming.
8	50	CI65-700	Northern Natural Gas Company (gathering only)	Velrex Field, Schleicher County, Texas.

[1] Farmland holds a certificate of public convenience and necessity in Docket No. CP64-121 to operate certain facilities and transport certain gas from a point in the Velrex Field to its Mertzon processing plant in Irion County, Texas. The order which issued Farmland that certificate indicates that the Commission accepted Farmland's "Special Rate Schedule" covering this activity, effective August 1, 1968. Farmland Industries, Inc., 41 FPC 154, 156 (1969). Because the certificate in Docket No. CP 64-121 is the subject of a pending proceeding (see Farmland's Petition herein, at 2), Farmland proposes no redesignation for such "Special Rate Schedule."

MISCELLANEOUS PROCEEDINGS IN WHICH FARMLAND IS TO BE SUBSTITUTED FOR CRA

Title	Docket No.
Farmland Industries, Inc.	CP64-121
CRA, Inc.	CI65-700
CRA, Inc.	CI78-795

[FR Doc. 83-1278 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3367-001]

Hydro Corp. of Pennsylvania; Surrender of Preliminary Permit

January 12, 1983.

Take notice that Hydro Corporation of Pennsylvania, Permittee for the proposed Cowanesque Project No. 3367, has requested that its preliminary permit be terminated. The permit was issued on February 10, 1982, and would have expired on August 1, 1983. The project would have been located on the Cowanesque River in Tioga County, Pennsylvania.

Hydro Corporation of Pennsylvania has determined that hydro development at this site could not be commissioned prior to completion of the Corps of Engineers Reformulation Study which is to be completed in 1991.

Permittee filed its request on December 6, 1982. The surrender of the preliminary permit for Project No. 3367 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1277 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4630-001]

Hydro Light, Inc.; Surrender of Preliminary Permit

January 12, 1983.

Take notice that Hydro Light, Inc., Permittee for the proposed Pitville Hydroelectric Project No. 4630, has requested that its preliminary permit be terminated. The permit was issued on December 31, 1981, and would have expired May 31, 1983. The project would have been located on the Pit River in Lassen County, California.

The Permittee filed its request on December 3, 1982, and the surrender of the preliminary permit for Project No. 4630 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1278 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5937-001]

Kevin Jon Keizer; Surrender of Preliminary Permit

January 12, 1982.

Take notice that Kevin Jon Keizer Permittee for the proposed Keizer Hydro No. 5937, has requested that its preliminary permit be terminated. The permit was issued on March 16, 1982, and would have expired on August 31, 1983. The project would have been located on the Flat River in Montcalm County, Michigan.

The Permittee filed its request on December 8, 1983, and the surrender of the preliminary permit for Project No.

5937 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-1279 Filed 1-17-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ST79-26-002]

Louisiana Resources Co.; Extension Reports

January 12, 1983.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. A "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before February 7, 1983 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

Docket No.	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Effective date
ST79-26-002	Louisiana Resources Co., P.O. Box 3102, Tulsa, OK 74101.	Florida Gas Transmission Co	12/01/82	D	03/01/83
ST80-182-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001.	Columbia Gas Transmission Corp	12/09/82	G	04/16/82
ST80-201-001	do	Trunkline Gas Co	12/09/82	G	05/02/82
ST81-165-001	Louisana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71301.	Columbia Gulf Transmission Corp	12/02/82	C	02/25/83
ST81-195-001	Valero Transmission Co., P.O. Box 500, San Antonio, TX 78292.	El Paso Natural Gas Co	12/03/82	C	03/06/83
ST81-197-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001.	Southern Natural Gas Co	12/14/82	G	03/16/83
ST81-258-001	Liberty Natural Gas Co., 906 Capital Bank Bldg., 5307 E. Mockingbird Lane, Dallas, TX 75206.	Tennessee Gas Pipeline Co	12/10/82	C	03/31/83
ST81-264-001	Colorado Interstate Gas Co., P.O. Box 1087, Colorado Springs, CO 80944.	Texas Gas Transmission Corp	12/13/82	G	03/16/83
ST81-321-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102.	United Gas Pipe Line Co	12/10/82	G	03/17/83
ST82-331-001	Valero Transmission Co., P.O. Box 500, San Antonio, TX 78292.	Texas Eastern Transmission Corp	12/03/82	C	03/04/83
ST83-129-000	Transcontinental Gas Pipe Line Corp., P.O. Box 1396, Houston, TX 77251.	Public Service Electric and Gas Co	12/08/82	B	03/01/83

[FR Doc. 83-1280 Filed 1-17-83; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 3057-001]

Maine Public Service Co.; Surrender of Preliminary Permit

January 12, 1983.

Take notice that Maine Public Service Company (MPSC), Permittee for the proposed Aroostook River Project No. 3057, has requested that its preliminary permit be terminated. The preliminary permit was issued on September 24, 1980, and would have expired on August 31, 1983. The proposed project would have been located on the Aroostook River in Aroostook County, Maine. MPSC stated that although the project appeared to be economically feasible it appears that it will not be able to secure necessary rates through the Maine Public Utilities Commission to support the project. In addition, MPSC stated that construction of the Masardis Development of the project would be in conflict with the Governor's Executive Order dated July 6, 1982, which precludes construction of new dams in certain river segments in Maine.

MPSC filed its request on December 13, 1982, and the surrender of its permit for Project No. 3057 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-1281 Filed 1-17-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CS72-0750-000, et al.]

Wm. W. McClure, Jr. and the First National Bank & Trust Co., Co-Trustees of the W. W. McClure Trust, et al.; Applications for "Small Producer" Certificates[1]

January 12, 1983.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 26, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS72-0750-000	[1] 1/3/82	Wm. M. McClure, Jr. and the First National Bank and Trust Co., Co-Trustees of the W. W. McClure Trust (W. W. and Dorothy M. McClure), Post Office Box One, Tulsa, Oklahoma 74193.
CS74-149-001	[2] 12/27/82	Partners Oil Company (Daniel Oil Company), 2400 Capital Bank Plaza, 333 Clay Street, Houston, Texas 77002.
CS77-395-001	[3] 12/30/82	H. H. Phillips, Ashton J. Fischer, Jane Houghton Phillips (Winnie A. Phillips) (Jane Phillips Ladouceur), 11 O Ranch, 314 Milam Building, San Antonio, Texas 76205.
CS83-21-000	12/16/82	L. Texas Petroleum Inc., 1801 Main Street, Suite 1000, Houston, Texas 77002.
CS83-22-000	12/16/82	A. Leon Derby III, Box 2103, Boise, Idaho 83701.
CS83-23-000	12/20/82	Gould's Electric Motor Repair Inc., P.O. Box 97, Indore, West Virginia 25111.
CS83-24-000	12/20/82	Lynx Exploration Company, 1580 Lincoln, Suite 800, Denver, Colorado 80203.
CS83-25-000	12/23/82	Amber Oil Company, Suite 360—Three Corporate Plaza, 3613 N.W. 56th, Oklahoma City, Oklahoma 73112.
CS83-26-000	12/27/82	The First National Bank and Trust Co. of Tulsa, Trustees of the Francis Joan Lewis Trust, Trust Energy Dept., P.O. Box 1, Tulsa, Oklahoma 74193.
CS83-27-000	12/27/82	The First National Bank and Trust Co. of Tulsa, Trustee of the D. F. Millard Trust B, Trust Energy Dept., P.O. Box 1, Tulsa, Oklahoma 74193.
CS83-28-000	12/27/82	The First National Bank and Trust Co. of Tulsa and Walter J. McAulay, Co-Trustees of the Eva Millard Trust, Trust Energy Dept., P.O. Box 1, Tulsa, Oklahoma 74193.
CS83-29-000	12/27/82	The First National Bank and Trust Co. of Tulsa and Joe M. Holliman, Co-Trustees of the Mabel Felt Trust, Trust Energy Dept., P.O. Box 1, Tulsa, Oklahoma 74193.
CS83-30-000	12/27/82	The First National Bank and Trust Co. of Tulsa and Joe M. Holliman, Co-Trustees of the Howard E. Felt Trust, Trust Energy Dept., P.O. Box 1, Tulsa, Oklahoma 74193.
CS83-31-000	12/27/82	The First National Bank and Trust Co. of Tulsa, Trustee of the Edward E. Noble Blind Trust, Trust Energy Dept., P.O. Box 1, Tulsa, Oklahoma 74193.
CS83-32-000	12/27/82	J. C. Walker, Mary Jo. Walker, and Christine Eldridge, Co-Trustees of the J. C. Walker Living Trust, 3119 South 69th East Avenue, Tulsa, Oklahoma 74145.
CS83-33-000	12/27/82	S T Joint Venture 1982 E, P.O. Box 552, Westport, Connecticut 06881.
CS83-34-000	12/28/82	Marjorie J. Porter and the First National Bank and Trust Co. of Tulsa, Co-Trustees of the Jack D. Porter Trust, P.O. Box 1, Tulsa, Oklahoma 74193.
CS83-35-000	12/28/82	Marjorie J. Porter, 3326 South Troost, Tulsa, Oklahoma 74105.
CS83-36-000	1/3/83	The First National Bank and Trust Co. of Tulsa, Successor Trustee of the Henly C. Bundy Trust A & B, Trust Energy Dept., P.O. Box 1, Tulsa, Oklahoma 74193.
CS83-37-000	1/3/83	Jack R. Snedden Agency, P.O. Box 1, Tulsa, Oklahoma 74193.

[1] Letter received dated December 28, 1982 requesting that the Small Producer Certificate issued to W. W. and Dorothy M. McClure be transferred to Wm. M. McClure, Jr. and the First National Bank and Trust Co., Co-Trustees of the W. W. McClure Trust.

[2] Effective December 31, 1982, Daniel Oil Company has changed its name to Partners Oil Company.

[3] Letter received dated December 28, 1982, requesting that Small Producer Certificate be changed to delete the name of Winnie A. Phillips, deceased, to Ashton J. Fischer. Also to change the name of Jane Phillips Ladouceur to Jane Houghton Phillips.

[FR Doc. 83-1253 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4215-001]

Metropolitan District Commission; Surrender of Preliminary Permit

January 12, 1983.

Take notice that the Metropolitan District Commission (MDC) of Hartford, Connecticut. Permittee for the proposed Tariffville Project No., 4215 has requested that its preliminary permit be terminated. The preliminary permit was issued on May 1, 1981, and would have expired on April 30, 1983. The proposed project would have been located at the Tariffville Gorge, Farmington River, Hartford County, Connecticut. MDC concluded that the only viable alternative project design would have required construction of a dam across the Tariffville Gorge and would have resulted in unacceptable damage to fisheries and recreational use.

MDC filed its request on December 10, 1982, and the surrender of its permit for Project No. 4215 has been deemed effective as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1252 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-33-000]

Pacific Gas Transmission Co., Application

January 12, 1983.

Take notice that on October 21, 1982, Pacific Gas Transmission Company (PGT), 245 Market Street, San Francisco, California 94106, filed in Docket No. CP83-33-000 and application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the best-efforts transportation and exchange of up to 15,00 Mcf of natural gas per day for Phillips Pacific Chemical Company (Phillips Pacific), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It is stated that Phillips Pacific currently owns and operates an anhydrous ammonia plant at its fertilizer complex near Benton, Washington. It is asserted that Phillips Pacific has advised PGT that in order to provide a source of natural gas for feedstock in its Benton, Washington, plant, Phillips Pacific and Southern Union Gathering Company (Gathering

Company) have entered into a contract for sale and purchase of natural gas dated May 12, 1982. It is submitted that since the source of supply to be purchased by Phillips Pacific from Gathering Company is located in San Juan County, New Mexico, Phillips Pacific has entered into separate transportation agreements with El Paso Natural Gas Company and Northwest Pipeline Corporation (Northwest) which collectively provide for the transportation of such gas from its source in New Mexico to Phillips Pacific.

Phillips Pacific has advised PGT that Northwest is prevented from transporting the gas available to Phillips Pacific from Gathering Company in San Juan County, New Mexico, because of capacity constraints on the Northwest system at Kemmerer, Wyoming.

It is submitted that the transportation and exchange proposed by the instant application is designed to make available an alternative arrangement which would allow Phillips Pacific to deliver volumes of gas to Northwest at Spokane, Washington, thus circumventing the existing capacity constraint on Northwest's system.

It is asserted that pursuant to a gas transportation exchange agreement dated October 13, 1982, the subject transportation would be accomplished by means of a backoff of deliveries to Pacific Gas and Electric Company of up to 15,000 Mcf of natural gas per day and the delivery of such gas to Northwest for Phillips Pacific's account at an existing point of interconnection between PGT and Northwest at Spokane, Washington.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1254 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-34-000]

Pacific Gas Transmission Co.; Application

January 12, 1983.

Take notice that on October 21, 1982, Pacific Gas Transmission Company (PGT), 245 Market Street, San Francisco, California 94106, filed in Docket No. CP83-34-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the best-efforts transportation and exchange of up to 15,000 Mcf of natural gas per day for Beker Industries Corp. (Beker), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It is stated that Beker currently owns and operates an anhydrous ammonia plant at its fertilizer complex near Conda, Idaho. It is asserted that Beker has advised PGT that in order to provide a source of natural gas for feedstock in its Conda Plant, Beker and Southern Union Gathering Company (Gathering Company) have entered into a contract for sale and purchase of natural gas dated March 1, 1982. It is submitted that since the source of supply to be purchased by Beker from Gathering Company is located in San Juan County, New Mexico, Beker has entered into separate trasportation agreements with El Paso Natural Gas Company and Northwest Pipeline Corporation (Northwest) and Intermountain Gas Company which collectively provide for the transportation of such gas from its source in New Mexico to Beker's Conda Plant.

Beker has advised PGT that Northwest is prevented from transporting the gas from Gathering Company in San Juan County, New Mexico, because of capacity constraints on the Northwest system at Kemmerer, Wyoming.

It is submitted that the transportation and exchange proposed by the instant application is designed to make available an alternative arrangement which would allow Beker to deliver volumes of gas to Northwest at Spokane, Washington, thus circumventing the existing capacity constraint on Northwest's system.

It is asserted that pursuant to a gas transportation and exchange agreement dated October 13, 1982, the subject transportation would be accomplished by means of a backoff of deliveries to Pacific Gas and Electric Company of up to 15,000 Mcf of natural gas per day and the delivery of such gas to Northwest for Beker's account at an existing point of interconnection between PGT and Northwest at Spokane, Washington.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1255 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-5-000]

Pacific Southwest Realty Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

January 12, 1983.

On October 7, 1982, Pacific Southwest Realty Co., 333 South Hope Street, Los Angeles, California 90071, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules. On December 23, 1982, information was filed to complete the application.

The topping-cycle cogneration facility is located at the Brea Data Processing Facility in Brea, California. The primary energy source to the facility in natural gas. The facility is a combined cycle system consisting of four 3000 kilowatt gas turbine generator sets (two operating, one spare, one future), two heat recovery steam generators and two 1800 kilowatt steam turbine generator sets. Thermal energy will be used in heating and cooling applications. Installation of the facility began in May 1982. No electric utility, electric utility holding company or any combination therof 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 preceeding. 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. 83-1256 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4517-001]

Power Resources, Inc.; Surrender of Preliminary Permit

January 12, 1983.

Take notice that Power Resources, Inc., Permittee for the proposed Coffee Creek Project No. 4517, has requested that its preliminary permit be terminated. The permit was issued on April 20, 1982, and would have expired on October 31, 1983. The project would have been located on Coffee Creek, in Trinity County, California.

The Permittee filed its request on December 3, 1982, and the surrender of the preliminary permit for Project No. 4517 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1279 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-121-000]

Pulaski II Limited Partnership; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 12, 1983.

On December 30, 1982, The Pulaski II Limited Partnership, 300 East Joppa Road, 8th Floor, Baltimore, Maryland 21204, 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 Baltimore, Maryland. The primary energy source to the facility will be biomass in the form of municipal solid waste and municipal sewage sludge. The electric power production capacity of the facility will be 20 megawatts. The Applicant owns no other biomass-fueled small power production facility. 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. 83-1266 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3559-002]

Richmond Power and Light Co.; Surrender of Preliminary Permit

January 12, 1983.

Take notice that Richmond Power and Light Company, Permittee for the proposed Brookville Dam Project No. 3559, has requested that its preliminary permit be terminated. The permit was issued on July 17, 1981, and would have expired on June 30, 1983. The project would have been located on the East Fork of the Whitewater River in Franklin County, Indiana.

The Permittee filed its request on December 22, 1982, and the surrender of the preliminary permit for Project No. 3559 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1258 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 5188-002 and 5191-001]

San Juan Hydro Inc.; Surrender of Preliminary Permits

January 12, 1983.

Take notice that San Juan Hydro Incorporated Permittee for the proposed Council Grove and Elk City Projects has requested that its preliminary permits be terminated. The preliminary permits were issued on February 17, 1982, and November 12, 1981, and would have expired on July 30, 1983, and April 30, 1982, respectively. The proposed projects would have been located at the U.S. Army Corps of Engineers Council Grove and Elk City Flood Control Dams in Morris and Montgomery Counties, Kansas. Permittee indicated that the

projects would not appear to be economic sources of energy.

Permittee filed its request on November 26, 1982, and the surrender of its permits for Projects Nos. 5188 and 5191 have been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1260 Filed 1-18-83; 8:45 am]

BILLING CODE 6717-01-M

[Projects Nos. 5183-001 and 5316-001]

San Juan Hydro Inc.; Surrender of Preliminary Permits

January 12, 1983.

Take notice that San Juan Hydro Incorporated (SJH) Permittee for the proposed Cheney and El Dorado Projects Nos. 5183 and 5316 respectively, has requested that its preliminary permits be terminated. The preliminary permits were issued on February 19, 1982, and February 17, 1982, respectively, and would have expired July 31, 1984. The proposed projects would have been located at the U.S. Department of the Interior, Bureau of Reclamation's Cheney Dam and the U.S. Army Corps of Engineers' El Dorado flood control dam in Sedgwick and Butler Counties, Kansas. SJH concluded that the projects would not be economically feasible to develop.

SJH filed its request on October 2, 1982, and the surrender of its permits for Projects Nos. 5183 and 5316 have been deemed effective as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1259 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4477-002]

Springfield Utility Board; Surrender of Preliminary Permit

January 12, 1983.

Take notice that Springfield Utility Board, Permittee for the proposed Fern Ridge Reservoir Project No. 4477, has requested that its preliminary permit be terminated. The premit was issued on August 12, 1981, and would have expired on January 31, 1983. The project would have been located on the Long Tom River, in Lane County, Oregon.

The Permittee filed its request on November 22, 1982, and the surrender of the preliminary permit for Project No. 4477 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1261 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5886-001]

Springfield Utility Board; Surrender of Preliminary Permit

January 12, 1983.

Take notice that Springfield Utility Board, Permittee for the proposed North Power #1 Project No. 5886, has requested that its preliminary permit be terminated. The preliminary permit was issued on September 29, 1982, and would have expired September 30, 1984. The project would have been located on the North Fork of the Middle Fork of the Willamette River in Lane County, Oregon.

The Permittee filed its request on November 22, 1982, and the surrender of the preliminary permit for Project No. 5886 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1262 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5419-001]

Devon E. Tassen et al.; Surrender of Preliminary Permit

January 12, 1983.

Take notice that Devon E. Tassen, Paula J. Tassen and David J. Williams, Permittee for the Upper Oak Water Power Project, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 5419 was issued on February 17, 1982 and would have expired on July 31, 1983. The project would have been located on Oak Run Creek in Shasta County, California.

The Permittee stated that it has encountered too many problems with Department of Fish and Game and also with the individual property owners at the proposed project site.

The Permittee filed its request on November 1, 1982, and the surrender of the preliminary permit for Project No. 5419 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1274 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-117-000]

Texas Eastern Transmission Corp.; Application

January 12, 1983.

Take notice that on December 8, 1982, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP83-117-000 an application pursuant to Section 7(c) of the Natural Gas Act for certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Columbia Gas Transmission Corporation (Columbia Gas), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It is stated that Applicant and Columbia Gas have previously entered into a service agreement dated September 4, 1980, providing for service under Applicant's Rate Schedule DCQ. Applicant proposes to accept on a firm basis from or for the account of Columbia Gas up to 60,000 dt equivalent of natural gas per day at the existing point of interconnection between the pipeline facilities of Applicant and Columbia Gas designated as Applicant's meter station No. 577 in Bucks County, Pennsylvania, and to transport and deliver by means of a backhaul such quantities to or for the account of Columbia Gas at the existing points of interconnection between the pipeline facilities of Applicant and Columbia Gas designated as Applicant's sales meter station Nos. 519, 321, 486, and 322 in Dauphin County, Lebanon County, and Berks County, Pennsylvania, respectively.

Applicant asserts it would charge Columbia Gas the presently applicable TS-1 excess rate per dt equivalent under Applicant's Rate Schedule TS-1 (such rate being subject to change from time to time) for delivery by Applicant to or for the account of Columbia Gas. Applicant states that applicable shrinkage would not be retained from the transportation volumes.

Applicant explains it would provide the subject transportation service pursuant to a transportation agreement dated October 28, 1982.

It is further stated that the proposed service would assist Columbia Gas in implementing its sales agreements with its customers in a rapidly expanding market area.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1263 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST81-113-001]

Texas Gas Corp.; Extension Reports

January 12, 1983.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. A "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before February 7, 1983 file with the Federal Energy Regulatory Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST81-113-001	Tejas Gas Corp., P.O. Box 2906, Corpus Christi, TX 78401.	United Gas Pipe Line Co.	11/02/82	C	02/16/83
ST81-140-001	Transwestern Pipeline Co., P.O. Box 2521, Houston, TX 77001.	Delhi Gas Pipeline Corp.	11/09/82	B	12/15/82
ST81-163-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp.	11/12/82	G	02/11/83
ST81-171-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001.	United Gas Pipe Line Co.	11/15/82	G	02/13/83
ST81-175-001	United Gas Pipe Line Co., P.O. Box 1478, Houston, TX 77001.	Monterey Pipeline Co.	11/01/82	B	02/03/83
ST81-180-001	United Gas Pipe Line Co., P.O. Box 1478, Houston, TX 77001.	Entex, Inc.	11/03/82	B	02/17/83
ST81-191-001	Delhi Gas Pipeline Corp., Fidelity Union Tower, Dallas, TX 75201.	Michigan Wisconsin Pipe Line Co.	11/08/82	C	02/05/83
ST81-211-001	Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77001.	United Gas Pipe Line Co.	11/15/82	G	03/23/83
ST81-228-001	Southern Natural Gas Co., P.O. Box 2563, Birmingham, AL 35202.	United Gas Pipe Line Co.	11/03/82	G	01/20/83
ST81-241-001	Natural Gas Pipeline Co. of America, 122 South Michigan Ave., Chicago IL 60603.	Delhi Gas Pipeline Corp.	11/02/82	B	02/01/83
ST81-263-001	United Gas Pipe Line Co., P.O. Box 1478, Houston, TX 77001.	Valero Transmission Co.	11/01/82	B	03/01/83

[FR Doc. 83-1264 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-102-005, et al.

Texas Gas Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

January 12, 1983.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, on or before January 26, 1983. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
10/28/82	Texas Gas Transmission Corp	RP81-102-005	LFUT reports.
10/29/82	Southern Natural Gas Co	RP80-102-014	Report.
12/17/82	Florida Gas Transmission Co	PR81-84-007	Report.
12/17/83	National Fuel Gas Supply Corp	RP81-126-008	LFUT report.
12/22/82	Consolidated Gas Supply Corp	RP-80-006	Report.
12/30/82	El Paso Natural Gas Co	CP81-312-007	Refund plan.
1/3/83	Kentucky-West Virginia Gas Co	TA82-2-46-004	Report.
1/4/83	Consolidated Gas Supply Corp	RP72-157-060	Report.

[FR Doc. 83-1265 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM79-34 and Docket No. ST83-2]

Transportation Certificates for Natural Gas Displacement of Fuel Oil and Michigan Wisconsin Pipe Line Co.; Self-Implementing Transactions

January 12, 1983.

Take notice that the following Transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to Section 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)2), the table lists the proposed rate and expriation date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

A "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 or the Commission's Regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's Regulations. Any interested persons may file a complaint concerning such transaction pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeling pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HT)" or "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Expiration date [1]	Transportation rate (cents per MMBtu)
ST83-2	Michigan Wisconsin Pipe Line Co	Cajun Natural Gas Co	10/01/82	B	—	—
ST83-3	Delhi Gas Pipeline Corp	Natual Gas Pipeline Co. of America	10/01/82	C	2/28/82	37.89
ST83-4	United Gas Pipe Line Co	Panhandle Eastern Pipe Line Co	10/01/82	G	—	—
ST83-5	Tennessee Gas Pipeline Co	Columbia Gas Transmission Corp	10/04/82	G	—	—
ST83-6	Florida Gas Transmission Co	Southern Natural Gas Co	10/04/82	G	—	—
ST83-7	Chaparral Transmission, Inc	Tennessee Gas Pipeline Co	10/05/82	C	3/04/83	26.00
ST83-8	Panhandle Eastern Pipe Line Co	United Gas Pipe Line Co	10/05/82	G	—	—
ST83-9	do	MIGC, Inc	10/04/82	G	—	—
ST83-10	El Paso Natural Gas Co	El Paso Hydrocarbons Co	10/04/82	B	—	—
ST83-11	Houston Pipe Line Co	Natural Gas Pipeline Co. of America	10/04/82	C	—	—
ST83-12	Columbia Gulf Transmission Co	Bridgeline Gas Distribution Co	10/04/82	B	—	—
ST83-13	Trunkline Gas Co	Northern Natural Gas Co	10/05/82	G	—	—
ST83-14	GHR Pipeline Corp	Natural Gas Pipeline Co. of America	10/06/82	C	—	—
ST83-15	Transwestern Pipeline Co	Texas Eastern Transmission Corp	10/06/82	G	—	—
ST83-16	Texas Eastern Transmission Corp	Transwestern Pipeline Co	10/06/82	G	—	—
ST83-17	Pantera Energy Corp	Northern Natural Gas Co	10/06/82	C	—	—
ST83-18	Columbia Gulf Transmission Co	Louisiana Intrastate Gas Corp	10/06/82	B	—	—
ST83-19	Southern Natural Gas Co	do	10/07/82	B	—	—
ST83-20	MIGC, Inc	Panhandle Eastern Pipe Line Co	10/07/82	G	—	—
ST83-21	Seagull Pipeline Corp	Northern Natural Gas Co	10/07/82	C	3/06/83	10.00
ST83-22	GHR Pipeline Corp	Transcontinental Gas Pipe Line Corp	10/08/82	C	—	—

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Expiration date [1]	Transportation rate (cents per MMBtu)
ST83-23	Michigan Wisconsin Pipe Line Co.	Entex, Inc.	10/06/82	B	—	—
ST83-24	Mountain Fuel Supply Co.	Natural Gas Pipeline Co. of America	10/12/82	G	—	—
ST83-25	do	Colorado Interstate Gas Co.	10/12/82	G	—	—
ST83-26	do	Columbia Gas Transmission Corp.	10/12/82	G	—	—
ST83-27	United Gas Pipe Line Co.	Texas Eastern Transmission Corp.	10/12/82	G	—	—
ST83-28	Texas Eastern Transmission Corp.	Northern Natural Gas Co.	10/12/82	G	—	—
ST83-29	Gas Co. of New Mexico	Northwest Pipeline Corp.	10/12/82	G(HT)	—	—
ST83-30	Producer's Gas Co.	Florida Gas Transmission Co.	10/12/82	C	3/11/83	30.00
ST83-31	Florida Gas Transmission Co.	Texas Gas Transmission Corp.	10/12/82	G	—	—
ST83-32	Tennessee Gas Pipeline Co.	Transcontinental Gas Pipe Line Corp.	10/12/82	G	—	—
ST83-33	do	Louisiana Intrastate Gas Corp.	10/12/82	B	—	—
ST83-34	Columbia Gulf Transmission Co.	do	10/13/82	B	—	—
ST83-35	do	Texas Gas Transmission Corp.	10/14/82	G	—	—
ST83-36	United Gas Pipe Line Co.	Northern Natural Gas Co.	10/14/82	G	—	—
ST83-37	do	Tennessee Gas Pipe Line Co.	10/14/82	G	—	—
ST83-38	Mountain Fuel Supply Co.	Northern Natural Gas Co.	10/18/82	G	—	—
ST83-39	GHR Pipeline Corp.	Transcontinental Gas Pipe Line Corp.	10/19/82	C	—	—
ST83-40	Tennessee Gas Pipeline Co.	Granite State Gas Transmission, Inc.	10/19/82	G	—	—
ST83-41	Northern Natural Gas Co.	Natural Gas Pipeline Co. of America	10/21/82	G	—	—
ST83-42	Sugar Bowl Gas Corp.	Cajun Natural Gas Co.	10/21/82	C	—	—
ST83-43	United Texas Transmission Co.	Transcontinental Gas Pipe Line Corp.	10/21/82	C	—	—
ST83-44	Columbia Gulf Transmission Co.	Louisiana Intrastate Gas Corp.	10/21/82	B	—	—
ST83-45	Mountain Fuel Supply Co.	Natural Gas Pipeline Co. of America	10/22/82	G	—	—
ST83-46	Trunkline Gas Co.	Southern Natural Gas Co.	10/22/82	G	—	—
ST83-47	Panhandle Eastern Pipe Line Co.	The Kansas Power and Light Co.	10/22/82	B	—	—
ST83-48	Houston Pipe Line Co.	Natural Gas Pipeline Co. of America	10/22/82	C	—	—
ST83-49	MIGC, Inc.	Mountain Fuel Supply Co.	10/22/82	G	—	—
ST83-50	Producer's Gas Co.	Panhandle Eastern Pipe Line Co.	10/22/82	C	3/21/83	28.20
ST83-51	Southern Natural Gas Co.	Texas Eastern Transmission Corp.	10/25/82	G	—	—
ST83-52	Columbia Gulf Transmission Co.	Tennessee Gas Pipeline Co.	10/25/82	G	—	—
ST83-53	Northwest Pipeline Corp.	Natural Gas Pipeline Co. of America	10/25/82	G	—	—
ST83-55	United Gas Pipe Line Co.	Louisiana Resources Co.	10/26/82	B	—	—
ST83-56	Texas Eastern Transmission Corp.	United Gas Pipe Line Co.	10/26/82	G	—	—
ST83-57	Louisiana Intrastate Gas Corp.	Texas Eastern Transmission Corp.	10/27/82	C	3/26/83	20.00
ST83-58	ONG Red Oak Transmission Co.	Columbia Gas Transmission Corp.	10/28/82	C	—	—
ST83-59	do	United Gas Pipe Line Co.	10/28/82	C	—	—
ST83-60	Colorado Interstate Gas Co.	Mountain Fuel Supply Co.	10/28/82	G	—	—
ST83-61	Michigan Wisconsin Pipe Line Co.	Northern Natural Gas Co.	10/28/82	G	—	—
ST83-62	Florida Gas Transmission Co.	Transcontinental Gas Pipe Line Corp.	10/25/82	G	—	—
ST83-63	Valero Transmission Co.	Texas Eastern Transmission Corp.	10/29/82	C	—	—

[1] The intrastate pipeline has sought commission approval of its transportation rate pursuant to section 284.123(b)(2) of the commission's regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the commission does not take action by the date indicated.

[FR Doc. 83-1287 Filed 1-17-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-110-000]

Trunkline Gas Co.; Application

January 12, 1983.

Take notice that on December 3, 1982, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83-110-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Trunkline proposes to transport on a firm basis on behalf of Texas Eastern pursuant to a transportation agreement dated October 19, 1982, up to 60,000 Mcf of natural gas per day less 0.25 percent fuel from the outlet of The Superior Oil Company Lowry Gas processing plant in Cameron Parish, Louisiana, to either or both of the existing points of interconnection between Trunkline and Texas Eastern located in Allen and Beauregard Parishes, Louisiana.

Trunkline proposes to charge Texas Eastern a monthly transportation charge of $52,800 and an excess/deficiency charge of 2.89 cents per Mcf.

Trunkline asserts the proposed service is the most efficient and economical means of transporting this gas for Texas Eastern.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participated as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Trunkline to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1266 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-124-000]

United Gas Pipe Line Co.; Application

January 12, 1983.

Take notice that on December 10, 1982 United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP83-124-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of up to 2,500 Mcf of natural gas per day on an interruptible basis, for sale to First Chemical Corporation (First Chemical), an existing on-system direct industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is experiencing a situation in which its supplies of natural gas exceed the current demands of its customers and that at the same time, First Chemical has indicated that it would like to purchase additional volumes of gas from Applicant on an interruptible basis. The above volumes would be offered by Applicant only if both gas supply and capacity are available to satisfy the sale after meeting all the firm requirements of Applicant's customers. Applicant asserts that since the sale would be interruptible there would be no detriment to the existing certificated services on Applicant's system.

It is asserted that the rate proposed by Applicant would be determined in accordance with the provisions set forth in Interruptible Rate Schedule IRS 82-100 which is currently $0.45 per Mcf plus the weighted average cost of gas per Mcf on Applicant's system for the billing month. Applicant further states that unless exempted from The Natural Gas Policy Act of 1978's incremental pricing provisions the rate would be subject to an incremental pricing surcharge in accordance with the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1249 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

United Texas Transmission Co., Extension Reports

[Docket No. ST81-184-001]

January 12, 1983

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1979 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additonal term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. A "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before February 7, 1983 file with the Federal Energy Regulatory Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214).

All protest 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 party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Effective date
ST81-184-001	United Texas Transmission Co., P.O. Box 1478, Houston, TX 77001.	Florida Gas Transmission Co.	11/19/82	D	02/25/83
ST81-202-001	Oasis Pipe Line Co., P.O. Box 1188, Houston, TX 77001.	El Paso Natural Gas Co.	11/22/82	C	02/23/83
ST81-203-001	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001.	do	11/22/82	C	02/23/83

Docket No.	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Effective date
ST81-206-001	GHR Pipeline Corp., 523 North Belt East, Suite 600, Houston, TX 77060.	do	11/22/82	C	02/23/83
ST82-336-001	Valero Transmission Co., P.O. Box 500, San Antonio, TX 78292.	United Gas Pipe Line Co.	11/30/82	C	03/01/83

[FR Doc. 83-1250 Filed 1-17-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP81-168-012]

Valero Interstate Transmission Co.; Petition

January 12, 1983.

Take notice that on December 15, 1982,[1] Valero Interstate Transmission Company (Petitioner), P.O. Box 1569, San Antonio, Texas 78295, filed in Docket No. CP81-168-012 a petition pursuant to Section 385.207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for a declaratory order clarifying the quantities of natural gas sold to El Paso Natural Gas Company (El Paso) or in the alternative a petition to amend the order issued October 22, 1981, in Docket No. CP81-168-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the sale of an average of 25,000 Mcf of gas per day calculated over the accounting year, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Petitioner was authorized by order issued October 22, 1981, to sell up to 25,000 Mcf of natural gas per day to El Paso. Petitioner asserts that paragraph 1 of the January 28, 1981, gas sales agreement provides that commencing on the date of initial delivery, El Paso agrees to receive and purchase, or pay for if available for delivery and not taken, and Petitioner agrees to deliver and sell, subject to any limitations and conditions therein elsewhere provided, during each accounting year, a daily contract quantity equal to the sum of all the daily contract quantities established from time to time during the accounting year under Petitioner's gas purchase contracts dedicated thereunder, up to 25,000 Mcf per day. Petitioner also asserts that paragraph 4 of such agreement states that El Paso shall have the right to vary its daily rates of take thereunder, but none in excess of the daily variations provided for in the Petitioner's gas purchase contracts dedicated thereunder.

[1] The petition was initially tendered for filing on December 15, 1982; however, the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until December 16, 1982; thus, filing was not completed until the latter date.

Petitioner states that it has interpreted the order issued October 22, 1981, as authorizing the Sale of up to an average of 25,000 Mcf per day in accordance with that stated in paragraph 1 of the January 28, 1981, gas sales agreement. Petitioner, therefore, requests the Commission to clarify its order issued in the instant docket on October 22, 1981, by recognizing that this order provides authorization for Petitioner to sell El Paso volumes in excess of 25,000 Mcf per day on any given day. In the alternative, petitioner requests the Commission to amend said order so as to authorize the sale of an average of 25,000 Mcf of gas per day to El Paso.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 3, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determinng 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1251 Filed 1-17-83; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5047-001]

Village of Poland, Ohio; Surrender of Preliminary Permit

January 12, 1983.

Take notice that the Village of Poland, Ohio, Permittee for the proposed Muskingum River Lock & Dam No. 3 Project No. 5047, requested by letter dated December 2, 1982, that its preliminary permit be surrendered. The preliminary permit was issued on November 17, 1981, and would have expired on November 1, 1983. The project would have been located on the Muskingum River in Washington County, Ohio. The Village of Poland has determined that hydroelectric development will not be economically feasible at this time.

The surrender of the preliminary permit for project No. 5047 is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1252 Filed 1-17-83; 8:45 am]
BILLING CODE 6717-01-M

[Project Nos. 6850-000, et al.]

Water—Watts Inc., et al.; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: 5 MW or Less Exemption.

b. Project No: 6850-000.

c. Date Filed: November 15, 1982.

d. Applicant: Water—Watts Inc.

e. Name of Project: Cox's Hydroelectric Project.

f. Location: On Deep Creek, near Buhl, in Twin Falls County, Idaho.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705, and 2708 as amended.

h. Contact Person: Ms. Lura Morgan-Renk, 876 Eastwind Drive, Twin Falls, Idaho 83301.

i. Comment Date: February 11, 1983.

j. Description of Project: The proposed project would consist of: (1) A 5-foot-high, 50-foot-long concrete diversion structure; (2) a 650-foot-long existing canal to be upgraded and a 500-foot-long new canal; (3) two penstocks, each 25-foot-long, 36-inch-diameter; (4) a powerhouse containing two generating units with a total rated capacity of 300 kW; (5) a 400-foot-long tailrace channel; and (6) a 0.4-mile-long, 12.5-kV underground transmission line. The Applicant estimates that average annual energy production would be 0.77 million kWh.

k. Purpose of Project: Project power would be sold to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, D3a.

2a. Type of Application: Preliminary Permit.

b. Project No: 6883–000.

c. Date Filed: November 26, 1982.

d. Applicant: City of Shawano, Wisconsin.

e. Name of Project: Hayman Falls Hydro Project.

f. Location: Pella, Shawano County, Wisconsin on the Embarass River.

g. Filed Pursuant to: Federal Power Act U.S.C. 791(a)–825(r).

h. Contact Person: James M. Waters, P.E., Water & Assocs., Inc., 995 Applegate Road, P.O. Box 4086, Madison, Wisconsin 53711.

i. Comment Date: March 4, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing concrete dam approximately 13-foot high and 115-foot long; (2) a reservior with an estimated storage capacity of 414.8 acre-feet; (3) a new one-quarter mile long steel penstock; (4) a new powerhouse located on the east bank of the river; (5) new transmission lines; and (6) appurtenant facilities. The Applicant estimates the capacity of the project would be 780 kW with an average annual generation of 3.4 GWh. All power generated would be sold to either Wisconsin Power and Light Company or Wisconsin Public Service Corporation.

k. This notice also consists of the following standard paragraphs: A4a, A4d, B, and C.

l. Agency Comments: Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set, it will be presumed to have no comments.

3 a. Type of Application: Preliminary Permit

b. Project No: P–6852–000

c. Date Filed: November 15, 1982

d. Applicant: Trans Mountain Hydro Corporation

e. Name of Project: Lower Snake River Hydro Power Project

f. Location: on the Lower Snake River in Summit County, Colorado

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Herbert C. Young, 123 S. Paradise Road, Golden, Colorado 80401.

i. Comment Date: March 14, 1983

j. Description of Project: The proposed project would consist of totally new facilities as follows: (1) A 4-foot-high, 10-foot-long diversion structure; (2) a 2,500-foot-long penstock; (3) a powerhouse containing a single generating unit having a total rated capacity of 164 kW; (4) approximately ¼ mile of the 14.4-kV transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 709,920 kWh.

k. Purpose of Project: The most likely market for the energy derived at the proposed project would be Public Service Company of Colorado.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $80,000.

4 a. Type of Applicant: Preliminary Permit

b. Project No: 6758–000

c. Date Filed: October 6, 1982

d. Applicant: Holden Village, Incorporated

e. Name of Project: Railroad Creek Hydroelectric Project

f. Location: On Railroad Creek, near the town of Chelan, within the Wenatchee National Forest, in Chelan County, Washington

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. Werner Janssen, Business Manager, Holden Village, Incorporated, Chelan, Washington 98816

i. Comment Date: March 11, 1983

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high, 50-foot-long diversion structure; (2) a 24-inch-diameter, 5,000-foot-long steel penstock; (3) a powerhouse containing one generating unit with a rated capacity of 300 kW; and (4) a 25,000-foot-long, 7.2-kV transmission line. The Applicant estimates the average annual energy production at 2.5 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 24-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of $15,000.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2

5 a. Type of Applicant: Preliminary Permit

b. Project No: 6769–000

c. Date Filed: October 12, 1982

d. Applicant: Hydro Management, Inc.

e. Name of Project: Sixmile Creek Water Power Project

f. Location: Sixmile Creek in Lake County, Montana

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a) 825(r)

h. Contact Person: Mr. W. H. Edelman, Hydro Management, Inc., Route 1, Box 169, Ronan, Montana 59864

i. Comment Date: March 14, 1983

j. Description of Project: The proposed project would consist of: (1) A proposed diversion structure 3-foot-high and 19-foot-long, which will create no impoundment; (2) a proposed penstock 5,700-foot-long and 10 inches in diameter; (3) a proposed powerhouse containing a single generator/turbine unit with a total installed capacity of 200 kW; (4) a proposed transmission line approximately 1000 feet in length and interconnecting with Pacific Power and Light Company, and (5) appurtenant facilities. The Applicant estimate the average annual energy production to be 1,200 MWh.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, and C

l. Agency Comments: Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set, it will be presumed to have no comments.

6 a. Type of Application: Preliminary Permit

b. Project No: 6888–000

c. Date Filed: November 26, 1982

d. Applicant: Alabama Municipal Electric Authority

e. Name of Project: Aliceville Hydroelectric Project

f. Location: Tombigbee River in Pickens County, Alabama

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a) 825(r)

h. Contact Person: Mr. Kenneth Everett, Secretary and Treasurer, Alabama Municipal Electric Authority, P.O. Box 2128, Dothan, Alabama 36301.

i. Comment Date: March 14, 1983

j. Description of Project: The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 6888 would consist

of: (1) A proposed 350-foot-long buried intake structure, connecting the existing diversion channel with the proposed powerhouse; (2) a proposed watertight powerhouse structure located in the existing diversion channel on the right side of the dam; (3) an opencut excavated tailrace, 1300-feet long and 150-feet-wide; (4) the installation of 2 double regulated, axial flow turbines with generators with a total installed capacity of 10 MW; (5) a proposed 10-mile-long transmission line interconnecting with the Alabama Power Company; and (5) appurtenant facilities. Applicant estimates the average annual energy production to be 27 GWh.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, and C

l. Agency Comments: Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set, it will be presumed to have no comments.

7 a. Type of Application: Preliminary Permit

b. Project No: 6889–000

c. Date Filed: November 26, 1982

d. Applicant: Alabama Municipal Electric Authority

e. Name of Project: Aliceville Hydroelectric Project

f. Location: Tombigbee River in Pickens County, Alabama

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a) 825(r)

h. Contact Person: Mr. Kenneth Everett, Secretary and Treasurer, Alabama Municipal Electric Authority P. O. Box 2128, Dothan, Alabama 36301.

i. Comment Date: March 14, 1983.

j. Description of Project: The Proposed project would utilize an existing U. S. Army Corps of Engineers, dam and reservoir. Project No. 6889 would consist of: (1) A proposed 650-foot-long and 150-foot-wide forebay and a 850-foot-long and 150-foot-wide tailrace, to be excavated from the bank on the left side of the dam; (2) a proposed watertight powerhouse structure to be built in the excavated forebay and tailrace channel; (3) the proposed installation of 3 double regulated, axial flow turbine/generator units with a total installed capacity of 15 MW; (4) a proposed transmission line 12 miles long and interconnecting with the Alabama Power Company; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output will be 52 GWh.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, and C.

l. Agency Comments: Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set, it will be presumed to have no comments.

8a. Type of Application: Preliminary Permit

b. Project No: 6895–000

c. Date Filed: November 29, 1982

d. Applicant: Hy-Tech Company

e. Name of Project: Fisher Creek

f. Location: On Fisher Creek, within the Payette National Forest, near McCall in Valley County, Idaho

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. Carl W. Haywood, 2109 Broadview Drive, Lewiston, Idaho 83501

i. Comment Date: March 14, 1983

j. Description of Project: The proposed project would consist of: (1) A 5-foot-high, 60-foot-long diversion structure; (2) a 10,000-foot-long, 32-inch-diameter penstock; (3) a powerhouse containing three generating units with a total installed capacity of 3170 kW; and (4) a 50-foot-long, 12.5-kV transmission line connecting to an existing Idaho Power Company transmission line. The Applicant estimates that the average annual energy production would be 8.75 million kwh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $40,000.

k. Purpose of Project: Project power would be sold to the Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2.

9a. Type of Application: Preliminary Permit.

b. Project No: 6903–000.

c. Applicant: Batten Kill Hydro Associates.

d. Name of Project: Middle Greenwich.

f. Location: Town of Greenwich, Washington County, New York.

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r).

h. Contact Person: Wayne L. Rogers, President, Synergics, Inc., 1444 Foxwood Court, Annapolis, Maryland 21401.

i. Comment: March 14, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 10-foot high, 235-foot long, concrete gravity spillway dam; (2) a 9-acre reservoir with no usable storage at elevation 320.0 feet M.S.L.; (3) an existing 150-foot long, 20-foot wide, 10-foot deep power canal; (4) an existing powerhouse to be rehabilitated and to contain two turbine-generators with a total rated capacity of 500 kW; (5) a tailrace channel; (6) a 3000-foot long transmission line; and (7) appurtenant facilities. The project would produce up to 2,600,000 kWh annually. The project dam and facilities are currently owned by the Village of Greenwich, Karlson Glass Works, and Mr. David Grimes.

k. Purpose of Project: Energy produced at the produced at the project would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit if issued, does not authorize construction. The work proposed under preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The cost of the studies under the preliminary permit has been estimated by the Applicant to be $36,000.

10a. Type of Application: Preliminary Permit.

b. Project No: P–6933–000.

c. Date Filed: December 14, 1982.

d. Applicant: F and T Services Corporation.

e. Name of Project: Lake Anacoco.

f. Location: Lake Anacoco, Vernon Parish, Louisiana.

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Ralph L. Laukhuff, P.O. Box 64844, Baton Rouge, Louisiana 70896.

i. Comment Date: March 14, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 5,000-foot-long, 30-foot-high earthen dam with a 300-foot-long, 15–foot–high concrete spillway section; (2) an existing 4.06-square mile reservoir with a total storage capacity of 24,000 acre-feet at elevation 194.0 feet M.S.L.; (3) a new powerhouse located and adjacent to the spillway containing a single 1,200-kW turbine-generator; (4) a transmission line; and (5) appurtenant facilities. The

project is owned by the State of Louisiana.

k. Purpose of Project: Energy produced at the project would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A4a, B, C and D2.

11a. Type of Application: Exemption from Licensing.

b. Project No: 5786–001.

c. Date Filed: September 16, 1982.

d. Applicant: Lawrence J. McMurtrey.

e. Name of Project: Circle Creek Project.

f. Location: On Circle Creek, a tributary of Suiattle River, near the town of Darrington within the Mr. Baker-Snoqualmie National Forest, in Snohomish County, Washington.

g. Filed Pursuant to: Section 408 of the Energy Security Act, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122–196th N.E. Redmond, Washington 98052.

i. Comment Date: February 23, 1983.

j. Description of Project: The proposed project would consist of: (1) A 2-foot-high, 14-foot-long diversion structure on Circle Creek; (2) a 12,000-foot-long, 24-inch-diameter steel pipeline/penstock; (3) a powerhouse to contain one generating unit with a rated capacity of 2.27 MW; and (4) a 16-mile-long, 155-kV transmission line to connect to an existing Puget Sound Power and Light Company's transmission line. The Applicant estimated the average annual energy generation at 10.4 GWh.

k. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

12a. Type of Application: Preliminary Permit.

b. Project No: 6884–000.

c. Date Filed: November 26, 1982.

d. Applicant: Village of Sun, Louisiana.

e. Name of Project: Pearl River Navigation Canal Hydro Project.

f. Location: St. Tammany Parish, Louisiana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mayor Nathan T. Wood, Village of Sun, P.O. Box 897, Sun, Louisiana 70463.

i. Comment Date: March 18, 1983.

j. Description of Project: The proposed project would utilize facilities owned by the U.S. Army Corps of Engineers and located on the Pearl River Navigation Canal involving three developments, Locks Nos. 1, 2, and 3. The proposed three developments would consist of:

(A) the Pearl River Lock No. 1 which would have: (1) A new steel penstock, 100 feet long and 7 feet in diameter; (2) a new 50-foot by 75-foot powerhouse having an installed capacity of 4210 kW; (3) a new tailrace, (4) a new transmission line; and (5) appurtenant facilities;

(B) the Pearl River Lock No. 2 which would have: (1) new steel penstocks, 100-feet long and 8 feet in diameter; (2) a new 50-foot by 75-foot powerhouse having an installed capacity of 2550 kW; (3) a new tailrace; (4) a new transmission line; and (5) appurtenant facilites.

(C) the Pearl River Lock No. 3 which would have: (1) new steel penstocks, 100 feet long and 8 feet in diameter; (2) a new 50-foot by 75-foot powerhouse having an installed capacity of 1650 kW; (3) a new tailrace; (4) new transmission line; and (5) appurtenant facilities. Applicant estimates the total capacity of the three developments would be 8.41 MW, and the average annual generation would be 44.2 GWh.

k.Purpose of Project: All generated power would be sold to the Louisiana Power & Light Company or a local cooperative.

l. This notice also consists of the following standard paragraphs: A4a, A4d, B,and C.

m. Agency Comments: Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set, it wil be presumed to have no comments.

13a. Type of Application: Preliminary Permit.

b. Project No: 6896–000.

c. Date Filed: December 6, 1982.

d. Applicant: Butte Creek Improvement Company.

e. Name of Project: Buttee Creek Hydroelectric Project.

f. Location: On Buttee Creek, within BLM lands, near Chico, in Butte County, California.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Geoff Fricker, President, Buttee Creek Improvement Company, 11922 Castle Rock Court, Chico, California 95926.

i. Comment Date: March 16, 1983.

j. Description of Project: The proposed project would consist of: (1) A 230-foot-high, 1,200-foot-long earthen dam creating a reservoir with a storage capacity of 25,000 acre-feet; (2) a 15,500-foot-long, 84-inch-diameter pipeline connected to a surge tank; (3) an 800-foot-long, 54-inch-diameter penstock; (4) a powerhouse containing two generating units with a total rated capacity of 12.6 MW; and (5) a 1,000-foot-long, 60-kV transmission line connecting to an existing Pacific Gas an Electric Company (PG&E) transmision line. The Applicant estimates that the average annual energy production would be 77.2 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $100,000.

k. Purpose of Project: Project power would be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

14a. Type of Application: Preliminary Permit.

b. Project No: 6912–000.

c. Date Filed: December 7, 1982.

d. Applicant: Weber Basin Water Conservancy District.

e. Name of Project: Willard Pumping Plant No. 1.

f. Location: Willard Canal in Box Elder County, Utah.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Barbara E. Schneider, Esquire, Chapman, Duff and Paul, 1730 Pennsylvania Ave., NW., Washington, D.C. 20006.

i. Comment Date: March 21, 1983.

j. Description of Project: The proposed project would utilize the existing Willard Canal and Pumping Plant No. 1 which are operated and maintained by the Applicant, and owned by the Bureau of Reclamation. The project would include: (1) An existing 250-foot long intake conduit; (2) an existing pumping plant which would be modified by; (3) replacing the three existing pumps with three reversible pump-turbines, each rated at 650 kW, to operate under a 30-foot head; (4) retrofitting the existing motors for operation as generators; (5) three existing 66-inch diameter, 650-foot long steel penstocks; (6) the addition of trashracks to an existing canal discharge bay; (7) an existing bypass canal and control structure; (8) modification of station electrical equipment; and (9) appurtenant facilities. Applicant estimates that average annual generation would be 4,130 MWh.

k. Purpose of Project: Energy would be used by the Applicant to operate their pumping plants, well pumps, and water treatment plants, or exchanged with the Colorado River Storage Project.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $70,000.

15a. Type of Application: Preliminary Permit.

b. Project No: 6912–000.

c. Date Filed: December 13, 1982.

d. Applicant: Mountain West Hydro, Inc.

e. Name of Project: Dry Ridge Hydroelectric.

f. Location: On an unnamed tributary of the Roaring River in Clackamas County, Oregon; within the Mount Hood National Forest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Carl Rounds, General Energy Development, Inc., 1885 West Washington Avenue, Stayton, Oregon 97383.

i. Comment Date: March 16, 1983.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high reinforced concrete diversion structure at elevation 3,120 feet; (2) a 16-inch-diameter, 6,700-foot-long steel pipeline; (3) a powerhouse at elevation 1,120 feet containing a turbine-generating unit with an installed capacity of 1,373 kW and an average annual output of 7.7 GWh, and (4) a 3,800-foot-long transmission line.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which engineering, economic and environmental studies would be conducted to ascertain project feasibility and to support an application for a license to construct and operate the project. The estimated cost of permit actitivities is $83,000.

k. This notice also consists of the following, standard paragraphs: A4b, A4c, A4d, B, C and D2.

16a. Type of Application: Minor License.

b. Project No: 3486–001.

c. Date Filed: November 16, 1982.

d. Applicant: Public Utility District No. 1 of Kittitas County.

e. Name of Project: Easton Dam Hydroelectric Project.

f. Location: On Yakima River, in Kittitas County, near Easton, WA.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Floyd M. Weir, Manager, PUD No. 1 of Kittitas County, 1400 East Vantage Highway, Ellensburg, WA 98926, with a copy to: Mr. Mark Keller, CH2M HILL, 1500 114th Ave. SE, Bellevue, WA 98004.

i. Comment Date: March 18, 1983.

j. Description of Project: The proposed run-of-the-river project, to be located at the base of the U.S. Bureau of Reclamation's existing Easton Dam, would consist of: (1) An existing 6-foot by 4-foot sluiceway; (2) a new 8-foot-diameter, 190-foot-Long steel penstock; (3) a powerhouse to contain a Kaplan-type, turbine-generating unit with a rated capacity of 1.5 MW operating under a head of 38 feet; (4) a 60-foot-long tailrace channel; (5) a 200-foot-long, 12.5-kV transmission line; and (6) other appurtenant facilities. The applicant also proposes to construct a new fish ladder to replace the existing fish ladder using the tailrace as attraction water. The estimated 7.36 million KWhs of energy produced at the project would for use or sale by the Applicant. The project cost is estimated at $2.8 million. The subject license application was filed as the result of a preliminary permit issued to the Applicant.

k. this notice also consists of the following standard paragraphs: A2, B, C, and D1.

17a. Type of Application: Major License.

b. Project No: 3489–001.

c. Date Filed: November 16, 1982.

d. Applicant: Public Utility District No. 1 of Kittitas County.

e. Name of Project: Roza Dam Hydroelectric Project.

f. Location: On Yakima river, in Kittitas County, near Ellensburg, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Floyd M. Weir, Manger, PUD No. 1 of Kittitas County, 1400 East Vantage Highway, Ellensburg, Washington 98926, with a copy to: Mr. Mark R. Ketter, CH2M Hill, 1500 114th Avenue, S.E., Bellevue, Washington 98004.

i. Comment Date: March 18, 1983.

j. Description of Project: The proposed run-of-the-river project, to be located at the base of the U.S. Bureau of Reclamation's (USBE) existing Roza Dam, would consist of: (1) An intake structure to include a radial gate and a 25-foot bay leading to; (2) a powerhouse to contain a Kaplan-type, turbine-generating unit with a rated capacity of 2.4 MW operating under a head of 28 feet; (3) approximately 900 feet of 12.5-kV transmission line to connect to an existing USBR line; and (4) other appurtenant facilities. The estimated 13.78 million kWhs of energy produced at the project would be for use or sale by the Applicant. The project cost is estimated at $5.8 million. The subject application was filed as the result of a preliminary permit issued to the Applicant.

k. This notice also consists of the following standard paragraphs: A2, B, C and D1.

18a. Type of Application: Preliminary Permit.

b. Project No: 6753–000.

c. Date Filed: October 4, 1982.

d. Applicant: Wallowa Power Company.

e. Name of Project: Wallowa Hydroelectric Power Project.

f. Location: Wallowa River, near the Towns of Kimmell and Randowa, in Wallowa County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Harry S.D. Adams, Manager, Wallowa Power Company, c/o Boise Power Company, c/o Boise Power Company, One Jefferson Square, P.O. Box 50, Boise, Idaho 83728.

i. Comment Date: March 21, 1983.

j. Description of Project: The proposed project would consist of: (1) A 210-foot-high, 1,100-foot-long earthen dam; (2) a 10-foot-diameter, 300-foot-long penstock; (3) a powerhouse containing two generating units with a total installed capacity of 20,500 kW; and (4) a 1.2-mile-long transmission line. The Applicant estimates the average annual energy production at 90.7 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of $150,000. Applicant proposes under the work plan to do test borings and other sub-surface studies. All disturbed areas will be restored and no new roads will be required.

k. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

19a. Type of Application: Preliminary Permit.

b. Project No: 6754–000.

c. Date Filed: October 4, 1982.

d. Applicant: Grande Ronde Power Company.

e. Name of Project: Grand Ronde Hydroelectric Power Project.

f. Location: On Grande River, near the Towns of Minam and Rondowa, Wallowa County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Harry S.D. Adams, Manager, Grande Ronde Power Company, c/o Boise Cascade Croporation, P.O. Box 50, Boise, Idaho 83728.

i. Comment Date: March 21, 1983.

j. Description of Project: The proposed project would consist of: (1) A 100-foot-high, 500-foot-long earthen dam; (2) a 12-foot-diameter, 150-foot-long penstock; (3) a powerhouse containing two generating units with a total rated capacity of 18,600 kW; and (4) a 8.2-mile-long transmission line. The Applicant estimates the average annual energy production at 81.50 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of $150,000. Applicant proposes under the work plan to do test borings and other ground disturbing studies. All disturbed areas will be restored and no new roads will be required.

k. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

20a. Type of Application: Preliminary Permit.

b. Project No: P–6827–000.

c. Date Filed: November 10, 1982.

d. Applicant: Jackson Falls Hydroelectric Power Company.

e. Name of Project: Jackson Falls Water Power Project.

f. Location: on the Wildcat Brook, in Carroll County, New Hampshire.

g. Filed Pursuant to: the Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Jason M. Cortell, Jason M. Cortell and Associates, 244 Second Avenue, Waltham, Massachusetts 02154.

i. Comment Date: March 18, 1983.

j. Description of Project: The proposed project would consist of: (1) The rehabilitation of an existing diversion structure in Wildcat Brook; (2) an existing 1,035-foot-long penstock; (3) a new powerhouse containing a single generating unit having a rated capacity of 366 kW; (4) 800 feet of new transmission line; and (5) appurtenant facilities. The project facilities are owned by Mr. Ernest Mallett of North Conway, New Hampshire. The Applicant estimates that the average annual energy output would be 2,135 MWh.

k. Purpose of Project: The most likely market for the energy derived at the proposed project would be the New Hampshire Cooperative Electric Corporation.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 18 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $57,000.

21a. Type of Application: Preliminary Permit.

b. Project No: 6877–000.

c. Date Filed: November 24, 1982.

d. Applicant: The Phoenix Hydro Corporation.

e. Name of Project: Nine Mile Creek Project.

f. Location: Onondaga County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Gary R. Schoonmaker, 2701 Howlett Hill Road, Marcellus, New York 13108.

i. Comment Date: March 18, 1983.

j. Description of Project: The proposed project would consist of four developments on the Nine Mile Creek described from downstream to upstream as follows:

(A) Marcellus Falls (Miller Dam) would consist of: (1) The existing concrete dam 11-feet-high and 90 feet long; (2) a reservoir having a surface area of one acre with negligible storage, and a normal water surface elevation of 548 feet USGS datum; (3) a new 4-foot diameter steel penstock 250 feet long; (4) a new powerhouse containing one unit with a generating capacity of 175 kW; (5) an existing tailrace 100 feet long; and (6) appurtenant facilities. Applicant estimates the annual average energy production would be 700,000 kWh. The dam is owned by Leo J. Miller and Leo P. Miller.

(B) Martisco Paper would consist of: (1) The existing concrete dam 10 feet high and 80 feet long; (2) a reservoir with negligible storage, a surface area of less than one acre, and a normal water surface elevation of 562 feet USGS datum; (3) a new 4-foot diameter steel penstock 150 feet long; (4) a new powerhouse containing one unit with a generating capacity of 75 kW; and (5) appurtenant facilities. The Applicant estimates the average annual energy production would be 300,000 kWh. The owner of the dam is the Martisco Paper Company.

(C) Lower Crown Mill would consist of: (1) The existing limestone and woodplank dam 10 feet high and 100 feet long; (2) a reservoir having negligible storage, a surface area of one acre, and a normal water surface elevation of 616 feet USGS datum; (3) a new 4-foot diameter steel penstock 200 feet long; (4) a new powerhosue containing one unit with a generating capacity of 75 kW; and (5) appurtenant facilities. Applicant estimates the average annual energy production would be 300,000 kWh. The dam is owned by Gus Aull.

(D) Upper Crown Mill would consist of: (1) An existing limestone structure dam 12 feet high and 90 feet long; (2) a reservoir having negligible storage elevation of 654 feet one acre, and a normal water surface elevation of 654 feet USGS datum; (3) a new intake structure; (4) a new powerhouse containing one unit with a generating capacity of 75 KW; (5) an existing tailrace 150 feet long; and (6) appurtenant facilities. Applicant estimates the average annual energy production would be 300,000 kWh. The dam is owned by Ted Stetler.

21k. Purpose of Project: All project power would be sold to the New York State Electric and Gas Corporation.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $27,500.

22a. Type of Application: Preliminary Permit.

b. Project No: 6948–000.

c. Date Filed: December 20, 1982.

d. Applicant: F and T Services Corporation.

e. Name of Project: Keystone Lock and Dam

f. Location: Bayou Teche, St. Martinville, St. Martin Parish, Louisiana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Ralph L. Laukhuff, P.O. Box 64844, 9107 Interline Avenue, Baton Rouge, Louisiana 70896.

i. Comment Date: March 18, 1983.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers Keystone Lock and Dam and would consist of a new powerhouse located near the east spillway abutment containing a single 400 kW turbine-generator, transmission line and appurtenant facilities. The project would generate up to 2,150,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months. The work to be performed under this preliminary permit would consist of gathering necessary data, completing surveys and environmental studies, obtaining necessary Federal, State and local permits, consultation with the Corps of Engineers and preparing necessary documentation for the Commission's licensing requirements. Applicant estimates that the cost of the works to be performed under the permit would not exceed $5,000.

a. Type of Applicant: Preliminary Permit.

b. Project No: 6966–000.

c. Date Filed: December 27, 1982

d. Applicant: Brassworks Associates.

e. Name of Project: Brassworks.

f. Location: Mill River, town of Haydenville, Hampshire County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Curran Associates, Inc., 182 Main Street, Northampton, Massachusetts 01060.

i. Comment Date: March 18, 1983

j. Description of Project: The proposed project would consist of: (1) an existing 18-foot high, 150-foot long stone masonry dam with 16-inch high flashboards; (2) an existing 7-acre reservior with a normal water surface elevation restored to 439.5 feet M.S.L.; (3) an existing intake and 5-foot diameter, 200-foot long buried penstock; (4) an existing powerhouse containing a new 80kW turbine generator; (5) an existing tailrace channel; and (6) appurtenant facilities. The project would generate up to 350,000 kWh annually. The project is owned by the Applicant.

k. Purpose of Project: Energy produced would be utilized on site or sold to the local utility.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The work to be performed under this preliminary permit would consist of gathering necessary data, completing surveys and environmental studies, obtaining necessary Federal, State and local permits and preparing necessary documentation for the Commission's licensing requirements. Applicant estimates that the cost of works to be performed under the permit would not exceed $6,000.

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intend allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1962). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33 (a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c) or 4.101 to 4.104 (1982).

A3. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, exemption or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or 4.101 to 4.104 (1982), as appropriate). Any application for license or exemption from licensing, or notice of intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or 4.101 to 4.104 (1982), as appropriate).

Preliminary Permits

A4a. Existing Dam of Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30-days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or 4.101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. *Comments, Protests, or Motions To Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214 (1982). In determining the appropriate action to take, the Commission will

consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. Exemption applications (5 MW or less capacity)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: January 13, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-1329 Filed 1-17-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-140028; TSH-FRL 2286-6]

Computer Sciences Corp. et al.; Access to Data by Contractor and Subcontractors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has recontracted with the Computer Sciences Corporation (CSC) and its subcontractors, InterAmerica Research Associates, Inc. (InterAmerica), and Informatics, Inc., to organize and operate a Confidential Business Information (CBI) Information Center for the Office of Toxic Substances (OTS); to analyze OTS programs with the aim of developing automated systems; and to operate a Document Processing Center for information received under the Toxic Substances Control Act (TSCA). Some of the material to which CSC, InterAmerica, and Informatics will have access will contain TSCA CBI.

DATE: Access to TSCA CBI will occur no sooner than January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Chris Tirpak, Acting Director, Industry Assistance Office (TS-799), Environmental Protection Agency, Rm. E-509, 401 M Street, SW, Washington, D.C. 20460, Toll Free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: EPA has recontracted with the Computer Sciences Corporation of Falls Church, Virginia, and its subcontractor InterAmerica Research Associates, Inc. of Rosslyn, Virginia, to organize and operate an Information Center for Confidential Business Information submitted to EPA under various provisions of the Toxic Substances Control Act (Contract No. 68-01-6639). The purpose of this CBI Information Center (CIC) is to organize and distribute efficiently within EPA the large quantity of CBI material received

to date and expected to be received in the future so as to facilitate its effective and timely use. The Office of Toxic Substances needs the assistance of CSC and InterAmerica because it does not have sufficient staffing and expertise for the kind and amount of work and amount of work which must be performed.

CSC and InterAmerica will manage and update EPA's TSCA CBI files and data bases, perform information searches and retrievals on those data bases, and index CBI files. In addition, CSC will analyze programs with the aim of developing automated systems for the use and retrieval of data.

Informatics, Inc., of Rockville, Maryland, under subcontract to CSC, will operate the OTS Document Processing Center to receive documents submitted to EPA under TSCA rulemaking. Informatics will process, index, and microfiche these documents and other OTS document collections.

The services to be provided by CSC, InterAmerica, and Informatics are a continuation of identical tasks performed under previous contracts.

Some of the material to which CSC, InterAmerica, and Informatics will have access will contain TSCA CBI. Pursuant to 40 CFR 2.306(j), EPA has determined that disclosure of CBI to CSC, InterAmerica, and Informatics is necessary for the satisfactory performance of this contract.

Informatics' facilities have been inspected and approved to receive CBI in accordance with the EPA security manual "Contractor Requirements for the Control and Security of TSCA CBI." At no time will CSC or InterAmerica be permitted to remove any CBI from EPA premises. In accordance with the security manual, CSC, InterAmerica, and Informatics are legally required to safeguard TSCA CBI from any unauthorized disclosure. Their employees will be briefed on appropriate security procedures which must be followed before they will be allowed access to any CBI.

Dated: January 7, 1983.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 83-1338 Filed 1-17-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Radio Advisory Committee; Meeting

The nexat meeting of the Advisory Committee on Radio Broadcasting has been scheduled at 9:30 a.m., Thursday, February 3, 1983, in Room 330, 1200 19th Street, NW., Washington, D.C.

The Committee will consider recommendations to the FCC concerning:

—The development of a new bilateral agreement between the United States and Canada on AM broadcasting which will implement the Final Acts of the 1981 Rio De Janeiro Conference on AM broadcasting 2 and supersede the North American Regional Broadcasting Agreement (NARBA).

—The development of similar revisions to the U.S. Mexican AM Radio Broadcasting Agreement; and

—Other Business.

The meetings of the Committee are public, and are open for participation by all interested persons. The meeting scheduled for February 3, 1982 may if the participants so decide, be recessed for resumption at such other time and place as they may designate.

For further information please contact the Committee Chairman, Louis C. Stephens at FCC Headquarters, (202) 632-7792.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-1340 Filed 1-17-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group; Income and Other Accounts Subcommittee

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of two meetings of the Telecommunications Industry Advisory Group's (TIAG) Income and Other Accounts Subcommittee scheduled to meet on Thursday, January 27, 1983 and Thursday, February 10, 1983. Each meeting will begin at 9:30 a.m. and will be open to the public. The meeting locations are as follows:

Thursday, January 27, 1983

Federal Communications Commission
Room 330
1200 19th Street, NW.
Washington, D.C.

Thursday, February 10, 1983

GTE Service Corporation
Suite 900
1120 Connecticut Avenue, NW.
Washington, D.C.

The agenda are as follows:

I. General Administrative Matters.
II. Discussion of Assignments.
III. Other Business.
IV. Presenttion of Oral Statements.
V. Adjournment.

With prior approval of Subcommittee Chairman Glenn L. Griffin, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Griffin (214/659-4700) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-1336 Filed 1-17-83; 8:45 am]

BILLING CODE 6712-01-M

Technical Subgroup of Radio Advisory Committee; Meeting

The Technical Subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Thursday, February 10, 1983 at 10 a.m. in the Wasilewski Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

The Subgroup will continue its consideration of recommendations to the Federal Communications Commission concerning matters pertinent to the ongoing U.S.-Canadian discussions on the drafting of a new bilateral AM agreement which, it is expected, will replace the North American Regional Broadcasting Agreement (NARBA).

The Subgroup will also discuss preparations for bilateral discussions which have started with Mexico, looking toward post-Rio revision of the U.S.-Mexican AM Agreement.

The meeting, a continuing one, will be resumed after the February 10, 1983 session at such time and place as is decided at that session. It is open for participation by all interested persons.

For further information, please call the Subgroup Chairman, Mr. Wallace Johnson, at (703) 841-0500.

William J. Tricarico,

Secretary

Federal Communications Commission.

[FR Doc. 83-1335 Filed 1-17-83; 8:45 am]

BILLING CODE 6712-01-M

Performance Review Board; Appointment of New Members

As required by the Civil Service Reform Act of 1978 (Pub. L. 95-454), Chairman Mark S. Fowler has appointed the following SES members to the Performance Review Board:

Edward J. Minkel, Managing Director.

Chairman

James C. McKinney, Chief, Private Radio Bureau, Member
Laurence E. Harris, Chief, Mass Media Bureau, Member
Gary M. Epstein, Chief, Common Carrier Bureau, Member
Richard M. Smith, Chief, Field Operations Bureau, Member

This announcement amends the announcement published October 12, 1982, 47 FR 44680.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 83-1339 Filed 1-17-83; 8:45 am]
BILLING CODE 6712-01-M

[FCC 82-578]

Continental Telephone Co. of Virginia; Prescription of Revised Percentages of Depreciation

AGENCY: Federal Communications Commission.
ACTION: Depreciation Rate Prescription Order.

SUMMARY: Pursuant to Sections 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 220(b), the Federal Communications Commission has ordered the Continental Telephone Company of Virginia to apply the percentages of depreciation which are set forth in the Appendix. This company filed for revised depreciation rates for various accounts and submitted studies and data to substantiate its request. The intended effect of this action is to charge, as accurately as circumstances will allow, the cost of the consumption of depreciable assets to the periods in which the assets are useful in the production of revenues.

EFFECTIVE DATE: The company is to apply the depreciation rates as of the date set forth in the Appendix.

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

FOR FURTHER INFORMATION CONTACT: Kenneth P. Moran, Chief, Depreciation Rates Branch, (202) 634-1861.

Adopted: December 22, 1982.
Released: December 30, 1982.
By the Commission:

In the matter of: The Prescription of Revised Percentages of Depreciation pursuant to Section 220(b) of the Communications Act of 1934, as amended for: Continental Telephone Company of Virginia.

I. Introduction

1. Section 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 220(b), states that the Commission shall, as soon as practicable, prescribe classes of property for which depreciation charges may be included in operating expenses and the percentages of depreciation which shall be charged to each of the classes. It also states that the Commission may, when it deems necessary, modify the classes and percentages so prescribed.

2. By this order we prescribe revised percentages of depreciation (depreciation rates) for Continental of Virginia using the straight line equal life group (SLELG) method.

II. Background

A. Straight Line Equal Life Group Method

3. In FCC Docket No. 20188, 83 FCC 2d 267 (1980), *reconsideration*, 87 FCC 2d 916 (1981), we amended our rules to permit the use of the SLELG depreciation method for new additions to plant as an alternative to the straight line vintage group (SLVG) method, provided that adequate data is available for the proper application of the method.

4. The primary differences between the SLELG and SLVG methods lie in the definition of the basic depreciation groups and in the approach each takes in spreading the original cost of assets comprising the basic groups over their estimated average service lives. While SLVG forms its basic groups by combining all units placed in one year (i.e., a vintage group), SLELG creates its basic groups by combining all units within each vintage group which share an equal life expectancy (i.e., an equal life group). While the SLVG method is designed to depreciate 100% of the original cost of a vintage on average over the life cycle of each vintage, the SLELG method is designed to depreciate 100% of the original cost of each plant unit over its life. As a consequence, if projections are accurate, the SLELG method should allow for depreciation at a rate more representative of the actual consumption of units of property than SLVG. We concluded in Docket No. 20188 that the proper application and monitoring of this method would not only enhance the carriers' cash flow and present to all interested parties a more accurate and objective financial picture of the carriers' operations and capital requirements, but would also benefit their customers by encouraging innovation and the introduction of new technology.

5. Under both the SLVG and SLELG methods, retirement projections, service life estimates, and depreciation rates are normally determined, in part, through the use of survivor curves. These survivor curves define the relationship between the age of plant investment and the relative percentage expected to remain in service. Under the SLELG methodology, the survivor curves assume an added significance—that of defining the basic (equal life) groups. Under the SLVG method, most survivor curves have been selected only after the staff has completed detailed statistical analysis of historical retirement data. With the added significance of the survivor curves in the SLELG method, the availability and analysis of historical retirement data becomes even more important.

6. We recognized the importance of adequate data in Docket No. 20188 where we found that the SLELG method is acceptable, provided that:

> * * * it is assured that adequate data is available for proper application of the method; that record keeping and reporting practices will enable monitoring of the reasonableness of the rate of allocation of both original cost and provisions for salvage and removal; that such allocation of original cost will achieve allocation over the service life of the property neither more nor less than 100% of the investment net of salvage value.

Accordingly, we directed the staff to take such measures as may be necessary to insure the measurability and accountability of the results under the SLELG method.

7. We further directed the staff to phase in the implementation of SLELG depreciation rates beginning with the outside plant accounts, followed by the central office equipment accounts and concluding with all other plant accounts. In accordance with this directive, this year the staff reviewed SLELG rates for the outside plant and the central office equipment accounts for Continental of Virginia. Our findings and conclusions regarding the SLELG rates for Continental of Virginia are discussed below (see paragraph 17 ff). With the adoption of this order, we are beginning the implementation of SLELG rates for the Continental Telephone Corporation operating telephone companies.

B. Review Procedures

8. Since the late 1940's, the Commission has reviewed and prescribed the depreciation rates of approximately one-third of the larger FCC-subject telephone companies each year. In most cases we have prescribed rates for a carrier only after the following actions have been completed:

(1) Submittal of depreciation studies by the carrier.

(2) Staff review of the carrier's filings and studies in support of its proposed life and salvage factors.

(3) Independent staff analysis of such information as the carrier's plant mortality data and equipment retirement plans.

(4) Preparation of preliminary staff recommendations.

(5) Discussion of the carrier's filings and the preliminary Commission staff proposals at a conference in which representatives of the carrier and the staffs of the respective state commissions and the FCC participate (i.e., a three-way meeting).

9. During the past year, in addition to the filings in conjunction with the staff's normal triennial represcription cycle, we received SLELG proposals from Continental of Virginia. The need to resolve the issues raised by this filing in a timely manner required the staff to depart from its traditional procedures. Because it was apparent that there were insufficient stafff resources to allow the complete review of life and salvage factors for Continental of Virginia, the staff chose to omit portions of steps 2 and 3 above and instead use the life and salvage factors which underlie currently prescribed rates. In addition, time and resource constraints precluded the discussion of SLELG rates with the carrier and the Virginia State Corporation Commission at a three-way meeting. Instead, comments regarding the carrier filing and preliminary staff proposals were solicited from the carrier and state commission via correspondence.

10. Continental of Virginia submitted a proposal on July 1, 1982, requesting the SLELG depreciation rates be prescribed for future additions to the outside plant and central office equipment accounts effective January 1, 1982. The staff analyzed the carrier's proposal and arrived at its recommendations and, on October 12, 1982, issued a public notice (Report No. 2989) entitled, "Depreciation Rate Prescriptions Proposed For Domestic Telephone Companies." This public notice summarized the FCC staff's proposals for revised depreciation rates and the change in depreciation expense that would result if those proposed depreciation rates were approved. On October 14, 1982, the staff transmitted to the company and the Virginia Commission a copy of the October 12 public notice as well as schedules containing the proposed SLELG rates.

III. Summary of Comments

11. Reponses to the staff's October 12 1982 public notice were received from Continental of Virginia and the Virginia State Corporation Commission.

12. Continental of Virginia agreed with the FCC staff that the survivor curves and future net salvage factors which underlie the currently prescribed depreciation rates are the appropricate factors to use in the calculation of SLELG rates. Continental also agreed with the staff's proposal to use separate SLELG rates for original cost and net salvage. Continental agreed with the staff that survivor curves had not been developed during the review process for several of the switching accounts; however, it disagreed with the staff's assertion that survivor curves cannot be determined for these accounts. Continental contended that the final retirement pattern for these accounts can be derived from the information included in its studies. Nevertheless, Continental agreed with the staff's proposal to use the remaining-life method for these accounts, and to prepare technical updates annually.

13. Continental disagreed with the staff's proposed survivor curve for the COE-Digital account. Continental stated that the curve proposed by the staff is inappropriate because it ignores an expected truncation of life. Continental proposed, as a compromise between its original proposal and the staff's proposal, a different survivor curve which includes a truncation of life.

14. Continental noted that there were relatively minor variances between the company and the FCC staff proposals in several accounts. It believed that the differences were due to differences in the rounding techniques used in the FCC staff's and Continental's computer programs. Continental stated that it is willing to explore the possibility of bringing its programs in line with those used by the FCC staff in order to eliminate future conflicts.

15. The staff of the Virginia Commission reiterated its comments made in response to an earlier public notice; i.e., that SLELG is neither necessary nor in the best interests of Virginia telephone companies or customers. It expressed the concern that its comments with regard to an earlier SLELG filing for outside plant were dismissed without sufficient consideration in FCC Order 82-353, 90 FCC 2d 964 (1982). The Virginia Commission also questioned why our staff requested comments when we have already stated that the question of whether or not the SLELG method should be used was decided in Docket No. 20188.

IV. Discussion of Issues

A. The Use of SLELG

16. In our decision in Docket No. 20188, we considered the arguments expressed by the parties for and against the use of the SLELG method and determined that the use of SLELG rates is appropriate, provided adequate data is available. In the discussion in the Final Report and Order, we found that the use of SLELG comports with the mandate of Section 1 of the Communications Act, "to make available . . . a rapid, efficient, nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges . . ." 47 U.S.C. § 151. We reaffirmed our decision allowing the use of SLELG in our Order on Reconsideration as well as in five prescription orders approved this year (viz., FCC 82-53, 88 FCC 2d 1567 (1982), FCC 82-353, *supra*, FCC 82-354, 90 FCC 2d 997 (1982), FCC 82-542, Mimeo No. 32468, and FCC 82-543, Mimeo No. 32469). Nevertheless, the Virginia Commission has again questioned whether the use of SLELG rates is warranted. Inasmuch as Virginia has not raised any new arguments or evidence regarding the use of SLELG rates, we have no basis to reverse our decision on this matter. Our rules, as amended in Docket No. 20188, clearly allow the use of SLELG for accounts in which adequate data is available to properly apply and monitor it. Therefore, we will allow its use.

B. Life and Net Salvage Factors

17. Our staff has stated that SLELG rates should be based upon the life and salvage factors determined in conjunction with the staff's last complete review of this company's rates, because this company is not scheduled for a complete review of depreciation rates until 1984, and staff resources did not permit a complete review of life and salvage factors this year. In the October 12, 1982 public notice, the staff clearly stated its preference for the use of current life and salvage factors, and with the exception of the COE-Digital account which is discussed below, no comments were received in opposition to the staff's life and salvage proposals. Furthermore, the company agreed with the staff and filed for SLELG rates based upon the factors determined in the last complete depreciation rate review. In this instance, we find that the benefits derived from implementing the new methods in a timely manner outweigh any advantages that may be derived from improving the precision of the estimates through the preparation and review of new studies of life and salvage. Furthermore, any inaccuracies that may result will be identified and resolved in the regularly scheduled review in 1984.

18. For the COE-Digital account, Continental of Virginia proposed a different survivor curve than that proposed by the staff. This account contains only the most modern equipment, as a result, very little data is available to support or reject either proposal. The difference in rate resulting from the use of these curves is slight (i.e., one-tenth of one percent per year). The only clear advantage one has over the other, is that the staff proposal is consistant with that used for many other companies for electronic switching equipment. We believe the staff proposal should prevail here; however, in future studies the curve selection for this account should be scrutinized further.

19. Although the Virginia Commission is correct that the issue of whether or not the SLELG method may be used has already been decided, this does not mean that it was meaningless to solicit comments. The primary purpose of the October 12, 1982, public notice was not to bring into question our rules, which clearly allow the use of the SLELG method, but rather to solicit comments regarding the effective dates proposed by the carriers and the life and net salvage factors that were under consideration for use in determining SLELG rates.

20. Continental proposed rates that were slightly different from those proposed by our staff, and attributed the differences to differences in the computer programs used by Continental and our staff. Inasmuch as the rates proposed by our staff were determined using the same programs as those used to determine the rates which were recently prescribed for the Bell and GTE operating telephone companies, and inasmuch as these programs yielded results essentially identical to those determined independently by Bell and GTE, we believe the rates proposed by the staff should be used in this case. In order to resolve such differences in the future, we direct the staff to work with Continental and explain its calculation of SLELG rates.

C. Accounts for which SLELG Rates Are Not Recommended

21. The staff proposes that new additions to the non-digital switching accounts not be depreciated using the SLELG method. The staff argues that it is impractical to determine reasonable future survivor curves for these additions because these accounts consist of classes of equipment which are being rapidly retired from service. The staff proposes that new additions, as well as embedded plant, in these accounts be depreciated using the remaining-life method, and asserts that the remaining-life method will assure timely and complete recovery of capital. Continental of Virginia accepted the staff's proposal of applying established remaining-lie rates to new additions to these accounts.

22. While we agree with the staff's reasoning on the use of the remaining-life method for the non-digital switching accounts, we also beleive that some special measure is required to assure full and timely capital recovery on these short remaining life assets. We, therefore direct the staff to update rermaining-life depreciation rates for these acounts on an annual basis as requested by the companies or as is deemded necessary by the staff. These updates will assure that capital recovery is not unnecessarily deferred.

D. Original Cost and Net Salvage Rates for ELG

23. We are only prescribing SLELG rates for the original cost of investment for the first four years of new additions to most central office and outside plant accounts. These rates will be applied until the next triennial review of depreciation for these companies. At that time the actual results of the use of the SLELG method will be evaluated, and methods and rates will be modified as necessary.

24. Present carrier accounting practices do not allow carriers to accumulate net salvage data by vintage for all classes of plant. For example, retirement of a complete bay of central office equipment may involve removal of equipment of several vintages, but would normally result in a singlel aggregate cost of removal and salvage. In this situation it is not feasible to allocate that cost of removal or salvage among the vintages in a meaningful manner. For this reason, instead of prescribing net salvage depreciation rates for each vintage, we are prescribing a single net salvage depreciation rate which is to be applied to all new vintages until the next regular review. *See* FCC 82-53, FCC 82-353, and FCC 82-354.

E. Conclusion

25. Having considered the responses to the staff's review letters and public notice, the recommendations of the staff, and the proposals of the companies, we find the resulting SLELG rates listed in the Appendix to be appropriate rates to be applied, unless modified by further order of this Commission.[1]

V. Ordering Clause

26. Pursuant to Sections 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 220(b), it is ordered, that the percentages of depreciation set forth in the Appendix to this order are prescribed effective on the dates listed.

Federal Communications Commission.

William J. Tricarico

Secretary.

[1] We have today ruled that our depreciation prescription orders are binding at both the federal and state levels. *See* Amendment of Part 31, FCC 82——Mimeo No.—— (adopted December 22, 1982).

FEDERAL COMMUNICATIONS COMMISSION—SCHEDULE OF ANNUAL PERCENTAGE OF DEPRECIATION CALCULATED UNDER THE EQUAL LIFE GROUP METHODOLOGY FOR CONTINENTAL TELEPHONE CO. OF VIRGINIA

Account No.	Class or Subclass of plant	Year	Projected life	Future net salv.	Original cost rates				Net salv. rate
					Age at beginning of year				
					0.0	0.5	1.5	2.5	
	(a)	(b)*[1]	(c)	(d)	(e)	(f)	(g)	(h)	(i-d/c)
			(Years)	(%)	(%)	(%)	(%)	(%)	(%)
221	Central office equipment:								
	Microwave	1982	18	0	8.9	8.3	7.7	7.3	0.
	Circuit	1982	15	10	10.5	9.8	9.2	8.7	−0.7
	Digital electronic	1982	21	3	5.6	5.5	5.4	5.3	−0.1
241	Pole lines	1982	23	−50	11.9	8.7	7.2	6.4	2.2
242.1	Aerial cable	1982	25	2	6.4	6.0	5.8	5.6	−0.1
242.2	Underground cable	1982	37	10	3.4	3.4	3.4	3.4	−0.3
242.3	Buried cable	1982	30	7	5.4	5.1	4.9	4.7	−0.2
242.4	Submarine cable	1982	30	0	4.5	4.2	4.1	4.0	0.

FEDERAL COMMUNICATIONS COMMISSION—SCHEDULE OF ANNUAL PERCENTAGE OF DEPRECIATION CALCULATED UNDER THE EQUAL LIFE GROUP METHODOLOGY FOR CONTINENTAL TELEPHONE CO. OF VIRGINIA—Continued

Account No.	Class or Subclass of plant	Year	Projected life	Future net salv.	Original cost rates: Age at beginning of year 0.0	0.5	1.5	2.5	Net salv. rate
	(a)	(b)[1]	(c)	(d)	(e)	(f)	(g)	(h)	(i-d/c)
243	Aerial wire	1982	7	−66	31.2	20.9	16.4	14.1	9.4
244	Underground conduit	1982	50	0	2.1	2.1	2.1	2.1	0.

[1] ELG rates are effective January 1 of the year shown in column b and are to be applied to plant additions for that year and subsequent years.

[FR Doc. 83-1338 Filed 1-17-83; 8:45 am]
BILLING CODE 6712-01-M

[FCC 82-577]

General Telephone Co. of Florida et al.; Prescription of Revised Percentages of Depreciation

AGENCY: Federal Communications Commission.

ACTION: Depreciation Rate Prescription Order.

SUMMARY: Pursuant to Sections 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 220(b), the Federal Communications Commission has ordered six GTE operating companies to apply the percentages of depreciation which are set forth in the Appendix. These six companies filed for revised depreciation rates for various accounts and submitted studies and data to substantiate their requiests. The intended effect of this action is to charge, as accurately as circumstances will allow, the cost of the consumption of depreciable assets to the periods in which the assets are useful in the production of revenues.

EFFECTIVE DATE: The companies are to apply the depreciation rates as of the date or dates set forth in the Appendix. In no case is an effective date prior to January 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Kenneth P. Moran, Chief, Depreciation Rates Branch, (202) 634-1861.

Adopted: December 22, 1982.

Released: December 30, 1982.

By the Commission:

In the matter of; The Prescription of Revised Percentages of Depreciation pursuant to section 220(b) of the Communications Act of 1934, as amended for; General Telephone Company of Florida, General Telephone Company of Indiana, Inc., General Telephone Company of Michigan, General Telephone Company of Ohio, General Telephone Company of the Southeast, General Telephone Company of the Southwest.

I. Introduction

1. Section 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 220(b), states that the Commission shall, as soon as practicable, prescribe classes of property for which depreciation charges may be included in operating expenses and the percentages of depreciation which shall be charged to each of the classes. It also states that the Commission may, when it deems necessary, modify the classes and percentages so prescribed.

2. By this order we prescribe revised percentages of depreciation (depreciation rates) for the six GTE companies listed above using the straight line equal life group (SLELG) method.

II. Background

A. Straight Line Equal Life Group Method

3. In FCC Docket No. 20188, 83 FCC 2d 267 (1980), *reconsideration*, 87 FCC 2d 916 (1981), we amended our rules to permit the use of the SLELG depreciation method for new additions to plant as an alternative to the straight line vintage group (SLVG) method, provided that adequate data is available for the proper application of the method.

4. The primary differences between the SLELG and SLVG methods lie in the definition of the basic depreciation groups and in the approach each takes in spreading the original cost of assets comprising the basic groups over their estimated average service lives. While SLVG forms its basic groups by combining all units placed in one year (i.e., a vintage group), SLELG creates its basic groups by combining all units within each vintage group which share an equal life expectancy (i.e., an equal life group). While the SLVG method is designed to depreciate 100% of the original cost of a vintage on average over the life cycle of each vintage, the SLELG method is designed to depreciate 100% or the original cost of each plant unit over its life. As a consequence, if projections are accurate, the SLELG method should allow for depreciation at a rate more representative of the actual consumption of units of property than SLVG. We concluded in Docket No. 20188 that the proper application and monitoring of this method would not only enhance the carrier's cash flow and present to all interested parties a more accurate and objective financial picture of the carriers' operations and capital requirements, but would also benefit their customers by encouraging innovation and the introduction of new technology.

5. Under both the SLVG and SLELG methods, retirement projections, service life estimates, and depreciation rates are normally determined, in part, through the use of survivor curves. These survivor curves define the relationship between the age of plant investment and the relative percentage expected to remain in service. Under the SLELG methodology, the survivor curves assume an added significance—that of defining the basic (equal life) groups. Under the SLVG method, most survivor curves have been selected only after the staff has completed detailed statistical analysis of historical retirement data. With the added significance of the survivor curves in the SLELG method, the availability and analysis of historical retirement data becomes even more important.

6. We recognized the importance of adequate data in Docket No. 20188 where we found that the SLELG method is acceptable, provided that:

> "* * * it is assured that adequate data is available for proper application of the method; that record keeping and reporting practices will enable monitoring of the reasonableness of the rate of allocation of both original cost and provisions for salvage and removal; that such allocation of original

cost will achieve allocation over the service life of the property neither more nor less than 100% of the investment net of salvage value."

Accordingly, we directed the staff to take such measures as may be necessary to insure the measurability and accountability of the results under the SLELG method.

7. We further directed the staff to phase in the implementation of SLELG depreciation rates beginning with the outside plant accounts, followed by the central office equipment accounts and concluding with all other plant accounts. In accordance with this directive, during tha past two years the staff reviewed SLELG rates for the outside plant account for the FCC-subject GTE companies As a result of that review, we adopted SLELG rates for new additions to most of the outside plant accounts for four of these companies in January (*see* FCC 82–53, 88 FCC 2d 1567 (1982)), for two additional companies in July (*see* FCC 82–354, 90 FCC 2d 997 (1982)) and for three additional companies in December (*see* FCC 82–543, Mimeo No. 32469). With the adoption of the December order, the prescription of SLELG rates for the outside plant accounts is complete for the FCC-subject GTE companies.

8. This year the staff also reviewed SLELG rates for the central office equipment accounts for most of the GTE companies. As a result of that review, we adopted SLELG rates for new additions to most of the central office equipment accounts for three of these companies in December (*see* FCC 82–543, Mimeo No. 32469). Our findings and conclusions regarding the SLELG rates for the six GTE companies listed in the caption of this proceeding are discussed below (*see* paragraph 28 ff). With the adoption of this order, the prescription of SLELG rates for the central office equipment accounts is essentially complete for the GTE companies.

B. Review Procedures

9. Since the late 1940's, the Commission has reviewed and prescribed the depreciation rates of approximately one-third of the larger FCC-subject telephone companies each year. In most cases we have prescribed rates for a carrier only after the following actions have been completed:

(1) Submittal of depreciation studies by the carrier.

(2) Staff review of the carrier's filings and studies in support of its proposed life and salvage factors.

(3) Independent staff analysis of such information as the carrier's plant mortality data and equipment retirement plans.

(4) Preparation of preliminary staff recommendations.

(5) Discussion of the carrier's filings and the preliminary Commission staff proposals at a conference in which representatives of the carrier and the FCC participate (i.e., a three-way meeting).

10. During the past year, in addition to the filings in conjunction with the staff's normal triennial represcription cycle, we received SLELG proposals from the GTE companies listed in the caption of this proceeding. The need to resolve the isues raised by these filings in a timely manner required the staff to depart from its traditional procedures. Because it was apparent that three were insufficient staff resources to allow the complete review of life and salvage factors for the carriers requesting SLELG rates, the staff chose to omit portions of steps 2 and 3 above and instead use the life and salvage factors which underlie currently prescribed rates. In addition, time and resource constraints precluded the discussion of SLELG rates with the carries and respective state commissions at there-way meetings. Instead, comments regarding the carrier filings and preliminary staff proposals were solicited from the carriers and respective state commissions via correspondence and telephone conversations.

. In 1981 the six companies listed on page 1 filed for SLELG rates for the central office equipment accounts to be effective on January 1, 1982 or January 1, 1983. The staff thoroughly reviewed the carriers' filings and found that, in most instances, the carriers had used the life and salvage factors underlying the currently prescribed rates.

12. On August 20, 1982, the staff sent review letters to the GTE companies and respective state commissions outlining its assessment of the companies' SLELG filings and its recommendations for SLELG rates. Comments were solicited from the companies and the respective state commissions regarding the company and staff recommendations. In response to these review letters, the GTE companies refiled for SLELG rates for the central office equipment accounts. Five of the six filings were consistent with the FCC staff recommendations. The other filing (i.e., GTE-Florida) indicated that there were a few areas of disagreement with the FCC staff. The areas of disagreement are identified later in this order (see paragraph 15). On October 12, 1982, the staff issued a public notice (Report No. 2969), entitled, "Depreciation Rate Prescription Proposed for Domestic Telephone Companies." This public notice summarized the FCC staff's proposals for revised depreciation rates and the change in depreciation expense that would result if those proposed depreciation rates are approved. On October 13, 1982, the staff transmitted to each company and respective state commission a copy of the October 12 public notice and schedules containing the proposed SLELG rates.

III. Summary of Comments

A. August 20, 1982 Review Letters

13. Responses to the staff's August 20, 1982 review letters were received from the GTE-Midwestern Operations (MTO), GTE-Florida, and the following state commissions: Michigan, Oklahoma, South Carolina, Texas and Virginia.

14. MTO, GTE-Florida and the Oklahoma and Texas commissions were in substantial agreement with the FCC staff position that SLELG rates should be used. The Virginia Commission opposed the use of SLELG rates. The Michigan and South Carolina commissions did not state whether they suported or opposed the use of SLELG.

15. MTO (on behalf of GTE-Indiana, GTE-Michigan and GTE-Ohio) and the staff of the Oklahoma Commission concurred with the FCC staff proposals as outlined in the August 20, 1982, review letters. GTE-Florida agreed with most of the FCC staff's proposals; however, it disagreed with the proposal *not* to prescribe SLELG rates for electromechanical switching equipment, particularly the COE-Manual account which contains investments in modern traffic service position systems (TSPS).[1] GTE-Florida further stated that the difference of opinion for the COE-Manual account could be minimized by its maintaining the TSPS investment in a separate category and using the SLELG method for that category and using the remaining-life method for investments in older manual switching equipment. In addition, GTE-Florida requested that, in our final order, we indicate the survivor curves used in determining the SLELG rates for central office equipment. It stated that this would help avoid confusion since the curve shapes proposed by GTE-Florida may be different for some accounts than those proposed by the FCC staff even though the results are essentially the same.

16. The staff of the Texas Commission agreed with our staff's position as to the application of the SLELG method where appropriate records exist. It expressed the concern that the life estimate underlying the FCC staff's electronic

[1] A TSPS is a computer controlled switching system which provides centralized automatic message accounting for customer-dialed toll calls such as person-to-person, collect, and credit card calls. Such a system allows for a more efficient handling of these special toll calls than the manual toll switchboards previously used.

switching equipment proposal is too short for digital switching offices. Texas further stated that, inasmuch as these life estimates will be restudied and revised as necessary during 1983 in conjunction with the regularly scheduled review of GTE-Southwest's rates, it is not necessary that its concern be dealt with in this proceeding.

17. The Virginia Commission reiterated its comments made in response to an earlier public notice; i.e., that SLELG is neither necessary nor in the best interests of Virginia telephone companies or customers.

18. The staff of the Michigan Commission stated that the use of SLELG rates for outside plant was under consideration at a hearing before the Michigan Commission. It believes that the Michigan Commission decision, when it is reached, may have a bearing on the use of SLELG rates for central office equipment.

19. The South Carolina Commission stated that it was concerned about several assumptions made by the staff as well as the underlying methodologies the staff used. It stated that a three-way meeting is the appropriate forum for a complete enunciation of all its concerns and alternative proposals; and it, therefore, requested the FCC to postpone consideration of the implementation of SLELG for central office equipment in South Carolina until after the scheduled three-way meeting in 1983.

B. October 12, 1982 Public Notice

20. Comments in response to the October 12, 1982 public notice were received from MTO and the state regulatory commissions of Arkansas, Florida, Michigan and Virginia.

21. MTO stated that it had reviewed the staff's proposed SLELG rates for central office equipment for GTE-Indiana, GTE-Michigan and GTE-Ohio and found them to be in agreement with the formal filing of September 17, 1982.

22. The staffs of the Arkansas and Michigan commissions stated that GTE-Southwest (Arkansas) and GTE-Michigan are authorized to use only the currently prescribed rates until formal applications for SLELG rates for central office equipment are filed with their commissions. The Michigan staff reiterated its earlier comments that the use of SLELG rates for the outside plant accounts is currently under consideration by its Commission and the outcome of that hearing may have a bearing on this matter. The staff of the Arkansas Commission expressed its objection to the FCC's interpretation of the comments it submitted in a prior proceeding concerning the use of SLELG. It stated that its refusal to accept the FCC's SLELG implementation plan in no way implied rejection of the SLELG concept.

23. The Florida Commission stated that the remaining-life rates that it approved in 1981 are still appropriate for GTE-Florida, and that it did not plan to recommend revised rates during this proceeding.

24. The staff of the Virginia Commission reiterated its earlier comments opposing the use of the SLELG method. It expressed the concern that its comments with regard to the GTE companies' SLELG filings for outside plant were dismissed without sufficient consideration in FCC Order 82-354, 90 FCC 2d 997 (1982). The Virginia Commission also questioned why our staff requested comments when we have already stated that the question of whether or not the SLELG method should be used was decided in Docket No. 20188.

IV. Discussion of Issues

A. Use of SLELG

25. In our decision in Docket No. 20188, we considered the arguments expressed by the parties for and against the use of the SLELG method and determined that the use of SLELG rates is appropriate, provided adequate data is available. In the discussion in the Final Report and Order, we found that the use of SLELG comports with the mandate of Section 1 of the Communications Act, "to make available . . . a rapid, efficient, nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges * * *" 47 U.S.C. 151. We reaffirmed our decision allowing the use of SLELG in our Order on Reconsideration as well as in five prescription orders approved this year (viz., FCC 82-53 88 FCC 2d 1567 (1982), FCC 82-353, *supra*, FCC 82-354, 90 FCC 2d 997 (1982), FCC 82-542, Mimeo No. 32468 and FCC 82-543, Mimeo No. 32469). Nevertheless, several states have again questioned whether the use of SLELG rates is warranted. Inasmuch as these states have not raised any new arguments or evidence regarding the use of SLELG rates, we have no basis to reverse our decision on this matter. Our rules, as amended in Docket No. 20188, clearly allow the use of SLELG for accounts in which adequate data is available to properly apply and monitor it. Therefore, we will allow its use.

26. Although the Virginia Commission is correct that the issue of whether or not the SLELG method may be used has already been decided, this does not mean that it was meaningless to solicit comments. The primary purpose of the October 12, 1982, public notice was not to bring into question our rules, which clearly allow the use of the SLELG method, but rather to solicit comments regarding the effective dates proposed by the carriers and the life and net salvage factors that were under consideration for use in determining SLELG rates. Virginia did not respond to these issues. However, several respondants did and their comments are considered in this order (see paragraph 28 ff).

B. Preemption of States

27. Several state commissions stated that they have not approved SLELG procedures for their jurisdictions. The presence or absence of state commission approval of SLELG rates does not control the prescription of SLELG rates in this order. The prescription of depreciation rates is plainly a matter within the Commission's jurisdiction under Section 220(b) of the Communications Act. We have today ruled that such depreciation orders are binding at both the federal and state levels. *See* Amendment of Part 31, FCC 82-, Mimeo No. (adopted December 22, 1982).

C. Life and Net Salvage Factors

28. Our staff has stated that SLELG rates should be based upon the life and salvage factors determined in conjunction with the staff's last complete review of these companies' rates, because these companies are not scheduled for a complete review of depreciation rates until 1983 or 1984, and staff resources did not permit a complete review of life and salvage factors this year. In the October 12, 1982 public notice, the staff clearly stated its preference for the use of current life and salvage factors, and there were no comments to the contrary in response to that public notice. Furthermore, the GTE companies agreed with the staff and filed for SLELG rates based upon the factors determined in the last complete depreciation rate review. In this instance, we find that the benefits derived from implementing the new methods in a timely manner outweigh any advantages that may be derived from improving the precision of the estimates through the preparation and review of new studies of life and salvage. Furthermore, any inaccuracies that may result will be identified and resolved in the regularly scheduled reviews in 1983 and 1984.

29. The South Carolina Commission contended that SLELG rates should not

be prescribed until it has had an opportunity to discuss the rates at a three-way meeting. We agree with South Carolina that it would be preferable to prescribe rates only after all the steps outlined in paragraph 9 have been completed; however, we believe that the completion of all the steps outlined in that paragraph would have resulted in an unacceptable delay in the implementation of SLELG rates. We, therefore, believe that the staff's departure from the traditional review procedures (i.e., especially the decision not to hold three-way conferences) was justified. Furthermore, we find that, with the staff review letters having been sent to the carriers and respective state commissions in August and with the public notice having been issued in October, South Carolina and all other parties has a reasonable opportunity to review the company and FCC staff proposals and submit their views for our consideration.

30. GTE-Florida suggested that, in our orders, we indicate the survivor curves underlying the rates that we prescribe. Inasmuch as there are a multiplicity of factors considered and used in developing the rates which are prescribed, we do not believe that it would be practical to list them all in the orders. We believe, however, that the carriers should be informed of such factors, and we direct the staff to work with the carriers in order to insure that they are so informed.

D. Accounts for which SLELG Rates Are Not Recommended

31. The staff proposes that new additions to the electromechanical switching equipment accounts not be depreciated using the SLELG method. The staff argues that it is impractical to determine reasonable future survivor curves for these additions because these accounts consist of classes of equipment which are being rapidly retired from service. The staff proposes that new additions, as well as embedded plant, in these accounts be depreciated using the remaining-life method, and asserts that the remaining-life method will assure timely and complete recovery of capital. The MTO agreed with the staff's proposal; however, GTE-Florida disagreed and stated that the Commission has authorized the use of SLELG rates for all central office equipment accounts.

32. The staff notes that estimated survivor curves for electromechanical switching equipment have *not* been determined in previous depreciation studies and that it is impractical to do so at this time. This is because it has not been demonstrated that the companies can accurately estimate further additions or retirements for individual switching units. With the remaining lives for electromechanical equipment in the three to eight year range, the error of these estimates will likely be significant. New additions to these accounts will clearly have very short and volatile estimated remaining lives, making the development of reliable survivor curves virtually impossible. Without reliable survivor curves, the development of an SLELG depreciation rate is illusory. This is because the remaining life "corrections" and curve shape changes would rapidly alter the overall depreciation rate for the account. We previously stated that SLELG rates should be used if adequate data exists to properly apply the method. Inasmuch as the future survivor curves cannot be practically determined, we do not believe that the proper application of the method can be accomplished for these accounts.

33. While we agree with the staff's reasoning on the use of the remaining-life method for the electromechanical accounts, we also believe that some special measure is required to assure full and timely capital recovery on these short remaining life assets. We, therefore, direct the staff to update remaining-life depreciation rates for these accounts on an annual basis as requested by the companies or as is deemed necessary by the staff. These updates will assure that capital recovery is not unnecessarily deferred.

34. We believe that GTE-Florida's suggestion that it segregate the investment in the COE-Manual account between the TSPS and older equipment, and that SLELG rates be developed for the TSPS equipment, has merit. Therefore, to the extent that the carriers can segregate and maintain such categories of plant for this account in the future, we direct the staff to consider the development of SLELG rates for the TSPS equipment.

E. Original Cost and Net Salvage Rates for ELG

35. We are only prescribing SLELG rates for the original cost of investment for the first four years of new additions to most central office and outside plant accounts. These rates will be applied until the next triennial review of depreciation for these companies. At that time the actual results of the use of the SLELG method will be evaluated, and methods and rates will be modified as necessary.

36. Present carrier accounting practices do not allow carriers to accumulate net salvage data by vintage for all classes of plant. For example, retirement of a complete bay of central office equipment may involve removal of equipment of several vintages, but would normally result in a single aggregate cost of removal and salvage. In this situation it is not feasible to allocate that cost of removal or salvage among the vintages in a meaningful manner. For this reason, instead of prescribing net salvage depreciation rates for each vintage, we are prescribing a single net salvage depreciation rate which is to be applied to all new vintages until the next regular review. *See* FCC 82-53, FCC 82-353, and FCC 82-354.

F. Conclusion

37. Having considered the responses to the staff's review letters and public notice, the recommendations of the staff, and the proposals of the companies, we find the resulting SLELG rates listed in the Appendix to be appropriate rates to be applied, unless modified by further order of this Commission.

V. Ordering Clause

38. Pursuant to Sections 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 220(b), it is ordered, that the precentages of depreciation set forth in the Appendix to this order are prescribed effective on the dates listed.

Note.—Due to the continuing effort to minimize publishing costs, the Appendix of this document (Schedules of Annual Percentages of Depreciation) will not be printed herein. However, copies of this document in its entirety are available from any of the distribution centers listed in the FCC Office of Public Affairs, Rm. 202, 1919 M St., NW., Washington, D.C. 20554, (202) 254-7674. In addition, a copy is available for public inspection in the FCC Dockets Branch, Rm. 239, and the FCC Library, Rm. 639, both located at 1919 M St., NW.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-1337 Filed 1-17-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-3]

Arco International Oil & Gas Co. v. Maersk Line; Filing of Complaint and Assignment

Notice is given that a complaint filed by Arco International Oil & Gas Company v. Maersk Line was served January 12, 1983. Complainant alleges that respondent has subjected it to an overcharge of rates for ocean

transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83-1333 Filed 1-17-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 83-2]

New Orleans Steamship Association v. Plaquemines Port, Harbor & Terminal District; Filing of Complaint and Assignment

Notice is given that a complaint filed by New Orleans Steamship Association against Plaquemines Port, Harbor & Terminal District was served January 12, 1983. Complainant alleges that respondent has violated sections 16 First and 17 of the Shipping Act, 1916, in connection with establishment and assessment of Harbor Fees and Supplemental Harbor Fees.

This proceeding has been assigned to Administrative Law Judge Joseph N. Ingolia. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83-1334 Filed 1-17-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 83-4]

Westinghouse Electric Corp. v. Delta Steamship Lines, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Westinghouse Electric Corporation against Delta Steamship Lines, Inc. was served January 12, 1983. Complainant alleges that respondent has subjected it to an overcharge of rates for ocean transportation in violation of section 18(b) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83-1332 Filed 1-17-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 83-5]

Worldwide Technical Services Co., Inc. v. Maersk Line; Filing of Complaint and Assignment

Notice is given that a complaint filed by Worldwide Technical Services Co., Inc. Against Maersk Line was served January 12, 1983. Complainant alleges that respondent has subjected it to on overcharge on rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83-1331 Filed 1-17-83; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Fuentes International, Inc., c/o 5321 S.W. 1st Street, Miami, FL 33134, Officer: Clara Fuentes, President/Director.

By the Federal Maritime Commission.

Dated: January 13, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-1306 Filed 1-17-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2331]

David Edward Mc Dermott, d.b.a. Hirdes International; Order or Revocation

On November 8, 1982, David Edward Mc Dermott, d.b.a. Hirdes International, 5097 No. Elston Avenue, Chicago, IL 60630 surrendered his Independent Ocean Freight Forwarder License No. 2331 for revocation effective January 1, 1983.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2331 issued to David Edward Mc Dermott, d.b.a. Hirdes International be revoked effective January 1, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal

Register and served upon David Edward Mc Dermott, d.b.a. Hirdes International.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-1307 Filed 1-17-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2482]

R. Brian, Inc.; Order of Revocation

On December 30, 1982, R. Brian, Inc., 4333 Trans World Road, Suite T-16 Schiller Park, IL 60176 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2482.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2482 issued to R. Brian, Inc., be revoked effective December 30, 1982, without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2482 issued to R. Brian, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon R. Brian, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-1308 Filed 1-17-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 16]

Major Forwarding Company, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Major Forwarding Company, Inc., 19 Rector Street, New York, NY 10006 was cancelled effective December 17, 1982.

By letter dated November 18, 1982, Major Forwarding Company, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 16 would be automatically revoked unless a valid surety bond was filed with the Commission.

Major Forwarding Company, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 16 be and is hereby revoked effective December 17, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 16 issued to Major Forwarding Company, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Major Forwarding Company, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing

[FR Doc. 83-1309 Filed 1-17-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

McKinstry, Inc.; Formation of Bank Holding Company

McKinstry, Inc., Julesburg, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.33 of the voting shares of The First National Bank of Julesburg, Julesburg, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

McKinstry, Inc., Julesburg, Colorado, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire 100 percent of the voting share of McKinstry-Campbell Insurance Agency, Julesburg, Colorado.

Applicant states that the proposed subsidiary would engage in the sale of general retail insurance in a town with a population of less than 5,000. These activities would be performed from offices of Applicant's subsidiary in Julesburg, Colorado, and the geographic areas to be served are Sedgwick County, Colorado, and Deuel County, Nebraska. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than February 3, 1983.

Board of Governors of the Federal Reserve System, January 12, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-1248 Filed 1-17-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 59]

Federal Procurement; Current Interest Rate

January 10, 1983.

To: Heads of Federal agencies.

Subject: Current interest rate.

1. *Purpose.* This bulletin provides, for the information of executive agencies, the current interest rate established by the Secretary of the Treasury (47 FR 57388, December 23, 1982).

2. *Expiration date.* This bulletin expires June 30, 1983, unless sooner revised or superseded.

3. *Background.* a. The Renegotiation Act of 1951 (Pub. L. 92-41), as amended, required the Secretary of the Treasury to determine semiannually an interest rate for use in connection with the Act. Subsequently, this rate was applied to various interest payment requirements in the FPR. Sections in the FPR which contain a reference to this interest rate include the following: Sections 1-3.1204-1, 1-3.1204-2, 1-7.203-15, 1-8.212-1(f), 1-8.701, 1-8.702, 1-8.703, 1-8.704-1, 1-8.706,

1-8.804-2(b), 1-8.806-4, 1-30.403, 1-30.414-2(k)(2), and 1-30.414-2(n)(3).

b. The interest rate determined by the Secretary of the Treasury for Renegotiation Act purposes is also applicable to the Contract Disputes Act of 1978 (Pub. L. 95-563).

c. The Prompt Payment Act (Pub. L. 97-177) provides that interest on late payments shall be computed at the rate which is applicable to the Contract Disputes Act of 1978.

4. *Current interest rate.* An interest rate of 11¼ (11.250) percent has been established by the Secretary of the Treasury for the 6-month period beginning Janaury 1, 1983, and ending June 30, 1983.

Allan W. Beres,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 83-1352 Filed 1-17-83; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Blood Products Advisory Committee

Date, time, and place. February 7 and 8, 8:30 a.m., Rm. 121, Bldg. 29, 8800 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, February 7, 8:30 a.m. to 9:30 a.m. and 1 p.m. to 4 p.m.; closed committee deliberations, 9:30 a.m. to 12 noon; open public hearing, February 8, 8:30 a.m. to 12 noon; closed committee deliberations, 1 p.m. to 4 p.m.; Clay Sisk, National Center for Drugs and Biologics (HFN-6), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455.

General function of the committee. The committee reviews and evaluates data on the safety, effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee and relevant to its functions.

Closed committee deliberations. The committee will review trade secret or confidential commercial information relevant to pending notices of claimed investigational exemptions for new drugs and pending biological license applications. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privilieged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or

devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: January 11, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-1141 Filed 1-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82D-0359]

Bioequivalence Studies for New Animal Drugs; Availability of Drug Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline prepared by its Bureau of Veterinary Medicine entitled "Bioequivalence Study Guideline." The guideline is intended for use in establishing the safety and effectiveness of certain new animal drugs through the use of bioequivalency studies. Although FDA advises that the agency will accept bioequivalence studies conducted as described in this draft guideline, it is being made available for public comment to provide FDA with views that will be considered in FDA's development of the final guideline.

ADDRESS: Written comments on the draft guideline and requests for single copies are to be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

DATE: Comments on or before May 18, 1983.

FOR FURTHER INFORMATION CONTACT: Richard P. Lehmann, Bureau of Veterinary Medicine (HFV-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3134.

SUPPLEMENTARY INFORMATION: The Federal Food, Drug, and Cosmetic Act (the act) requires that a new animal drug be the subject of an approved new animal drug application (NADA) before it may be marketed. Section 512(b)(1) of the act (21 U.S.C. 360b(b)(1)) requires that each NADA include full reports of investigations which show that the drug is safe and effective for use. Section 512(d) of the act and § 514.111 (21 CFR 514.111) describe the criteria that an applicant for an NADA must meet to show that a new animal drug is safe and effective and therefore may be approved. In certain instances, the agency has determined that NADA's and supplements to NADA's need not include safety or efficacy data as specified in § 514.111, but may be approved on the basis of bioquivalency studies.

The Bureau of Veterinary Medicine (the bureau) has prepared a draft guideline entitled "Bioequivalence Study Guideline" that may be used where bioequivalency data are acceptable to the bureau, in lieu of safety or efficacy data, for new animal drug approval. The draft guideline is appropriate for use by sponsors seeking approval for either (1) a new animal drug product that is eligible for generic equivalence (at the present time, those that were reviewed by the National Academy of Sciences/National Research Council and deemed effective) that contains an active ingredient(s) in the same dosage form (pharmaceutical equivalent) as an approved new animal drug product of another sponsor; (2) a change in the manufacturing process, including a change in product formulation or dosage strength, for a product for which the sponsor holds an approved NADA; or (3) a different dosage form (pharmaceutical alternative) from that for which clinical data are available.

A significant aspect of this draft guideline is the provision that withdrawal periods for generic new animal drug products for which approval is sought for food animal use may in many cases be established by evaluating the serum level curves generated from a properly conducted study. Until now, companies wishing to market generic equivalent new animal drug products for food animal use have been required to conduct a tissue residue study in addition to the bioequivalency evaluation to determine the appropriate preslaughter withdrawal time. The change of bureau policy proposed in this draft guideline should result in savings of research animals and funds used in the development of certain new animal drug products, thereby providing regulatory relief to the affected industry while assuring the safety and effectiveness of the affected new animal drugs. The bureau is making this proposed change based on advances in knowledge in the field of pharmacokinetics and related disciplines, particularly the knowledge that if a generic new animal drug product is proven to be bioequivalent to an approved reference standard product (usually the pioneer approved product) then tissue residue levels will in many instances be identical and, therefore, the generic new animal drug product and the approved reference standard product should have the same withdrawal periods.

This notice of availability is issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to establish procedures of general applicability that are not legal requirements but are acceptable to the agency. A person who follows a guideline is assured that the procedures used for the study will be acceptable to the agency. A person may also choose to use alternative procedures even though they are not provided for in the guideline. A person who chooses to depart from the guideline should discuss the matter further with the agency to prevent expenditure of resources for work that the agency may later determine to be unacceptable.

FDA advises that bioequivalence studies conducted as described in this draft guideline will be accepted by the agency effective immediately. However, FDA is inviting comments from the regulated industry, academia, and other interested persons on the draft guideline. These comments will be considered in determining whether revision of the draft guideline is warranted. FDA will publish in the **Federal Register** a notice of availability of any final guideline adopted in response to this notice. The agency is also prepared to meet with interested parties during the comment period to discuss the draft guideline.

A copy of the draft guideline is on file with the Dockets Management Branch (address above) and interested persons may receive a single copy of the guideline by submitting a request to that office.

Interested persons may, on or before May 18, 1983, submit written comments on the draft guideline to the Dockets Management Branch. Two copies of any comments should be submitted, except that individuals may submit one copy. Submissions should be identified with the docket number found in brackets in the heading of this document. Received comments will be incorporated into the public file on the guideline and may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 6, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-1142 Filed 1-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N-0276; DESI 7630]

Certain Anabolic Steroids; Drug Efficacy Study Implementation; Revocation of Exemption; Opportunity for Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice revokes the temporary exemption for the continued marketing of certain anabolic steroid drug products. Under the exemption, these products have been allowed to remain on the market for continued study beyond the time limit scheduled for implementing the Drug Efficacy Study. This notice also reclassifies these products to lacking substantial evidence of effectiveness in the treatment of postmenopausal osteoporosis, proposes to withdraw approval of the new drug applications covering these products, and offers an opportunity for a hearing on the proposal. The manufacturers of these products have not complied with previously announced conditions for continued marketing and, in some cases, have informed FDA that they are no longer interested in marketing these products.

DATES: The exemption revocation is effective January 18, 1983, hearing requests are due February 17, 1983. Data supporting hearing request are due March 21, 1983.

ADDRESSES: Communications in response to this notice should be identified with Docket No. 80N-0276 and DESI 7630, and directed to the attention of the appropriate office named below.

Requests for a hearing, supporting data, and comments: Dockets Management Branch (HFA-305), Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFN-310), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nicholas Reuter, National Center for Drugs and Biologics (HFN-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of June 24, 1970 (35 FR 10327), FDA announced its conclusions on the effectiveness of certain anabolic steroids, based on reports received from the National Academy of Sciences-National Research Council. The drugs were classified as probably effective for adjunctive therapy in the treatment of senile and postmenopausal osteoporosis. They were also classified as probably effective for pituitary dwarfism because growth hormone was not readily available at that time. The products were classified as either possibly effective or lacking substantial evidence of effectiveness for their other labeled indications.

In a notice published in the Federal Register of December 14, 1972 (37 FR 26623), anabolic steroids were temporarily exempted from the time limits established for the Drug Efficacy Study Implementation (DESI) program pending completion of studies to determine effectiveness. The exemption was granted because there were no products classified as effective for the treatment of postmenopausal osteoporosis. The pituitary dwarfism indication was permitted to remain until growth hormone became more widely available.

Because of the lack of general agreement on parameters to be measured and the techniques for measurement, FDA developed guidelines for the clinical study of drugs used to treat osteoporosis. The availability of the guidelines was announced in the Federal Register of June 20, 1980 (45 FR 41705). Subsequently, FDA announced conditions for continued marketing of anabolic steroids, for the treatment of osteoporosis, while protocols were designed and studies were conducted (45 FR 72292, October 31, 1980). Manufacturers of products that were the subject of "deemed approved" new drug applications (NDA's) were to revise their labeling as required and submit protocols or notify the agency that they would rely on studies conducted by another manufacturer. Abbreviated new drug applications (ANDA's) were required for those products not provided for by an NDA. If one drug sponsor was conducting studies on a product, that was considered sufficient to permit marketing of all firms' products containing the same chemical entity in a similar dosage form provided each product met the other marketing conditions.

Additionally, because growth hormone had become readily available, the marketing conditions required that the indication for pituitary dwarfism be removed from the labeling of anabolic steroids.

Some manufacturers have submitted supplements or ANDA's under the conditions for continued marketing set forth in the October 31, 1980 Federal Register notice. Other manufacturers have not done so, and some have discontinued marketing their products.

I. Revocation of Exemption

This notice revokes the temporary exemption announced in the Federal Register of December 14, 1972, for those drug products whose sponsors have not complied with the October 31, 1980 notice. The exemption is therefore revoked for all products that contain methandriol, methandrostenolone, norethandrolone, or oxymetholone, because no person marketing a product containing any of these ingredients have conducted studies or submitted data in support of effectiveness.

II. Products not in Compliance

Because no data have been submitted demonstrating the effectiveness of the following anabolic steroids, for osteoporosis or any other indication, the Director of the National Center for Drugs and Biologics proposes to withdraw approval of the new drug applications listed below:

1. NDA 8-736; Methylandrostenediol Aqueous Suspension containing methandriol 25 or 50 mg/mL; Maurry Bilogical Co., Inc., South Western Ave., Los Angeles, CA 90047.

2. NDA 11-761; Adroyd Tablets containing oxymetholone 2.5, 5, or 10 mg/tablet; Parke-Davis, Division of Warner-Lambert Co., 201 Tabor Rd., Morris Plains, NJ 07950.

3. NDA 12-226; Dianabol Tablets containing Methandrostenolone 2.5 or 5 mg/tablet; Ciba Pharmaceutical Co., Division Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901.

4. NDA 12-733; Anadrol Tablets containing oxymetholone 2.5 mg/tablet; Syntex Laboratories, Inc., 3401 Hillview Ave., Stanford Industrial Park, Palo Alto, CA 94304.

Under the provisions of the October 31, 1980 Federal Register notice, the manufacturers of the following drug products submitted ANDA's and received conditional approval for marketing. However, because no sponsor is conducting clinical studies on any product containing the drug entity, the products are not in compliance with the conditions for marketing and the Director now proposes to withdraw the conditional approval of these ANDAs:

1. ANDA 87-465; Methandrostenolone 2.5 mg tablets; Bolar Pharmaceutical Co. Inc., 130 Lincoln St., Copiage, NY 11726.
2. ANDA 87-466; Methandrostenolone 5 mg tablets, Bolar Pharmaceutical Co. Inc.
3. ANDA 87-945; Methandrostenolone 5 mg tablets; Par Pharmaceutical Inc., 12 Industrial Ave., Upper Saddle River, NJ 07458.
4. ANDA 87-951; Methandrostenolone 2.5 mg Tablets; Par Pharmaceutical Inc.

NDA approval of the following products has been previously withdrawn for failure to file reports as required by section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)). At the time notices withdrawing approval were published, no conclusions concerning the products' effectiveness had been reached.

1. NDA 7-630; Stenediol Injection containing methandriol 25 or 50 mg/mL; Organon, Inc., 375 Mount Pleasant Ave., West Orange, NJ 07052.
2. NDA 10-400; Nilevar Tablet containing norethandrolone 10 mg/tablet; G. D. Searle & Co., P.O. Box 5110, Chicago, IL 60680.
3. NDA 11-019; Nilevar Injection containing norethandrolone in sesame oil, 25 mg/mL; G. D. Searle & Co.
4. NDA 11-683; Nilevar Drops; containing norethandrolone 83 mg/mL; G. D. Searle & Co.

The four products named immediately above are included in this notice because they did not meet the conditions of the exemption notice. This notice offers the applicants an opportunity to request a hearing concerning all issues relating to the legal status of the product.

III. Products still Subject to the Exemption

This proposal does not apply to the following drug products.

1. NDA 11-891; Durabolin Injection containing nandrolone phenproprionate in sesame oil, 25 or 50 mg/mL; Organon, Inc.
2. NDA 12-885; Winstrol Tablets containing stanozolol, 2 mg/tablet; Winthrop Laboratories, Division of Sterling Drug Inc., 90 Park Ave., New York, NY 10016. (Note: NDA 13-268 for Winsteroid Tablets (stanozolol) listed in the June 24, 1970 notice has been assimilated into NDA 12-885 at the request of the holder because both NDA's cover the same product).
3. NDA 13-132; Deca-Durabolin Injection containing nandrolone decanoate 50 mg/mL; Organon, Inc.
4. ANDA 86-385; Nandrolone Decanote 50 mg/mL; Carter Glogau Laboratories, Inc., 5160 West Bethany Home Rd., Glendale, AZ 85301.
5. ANDA 86-386; Nandrolone Phenproprionate containing 25 mg/mL; Carter Glogau Laboratories, Inc.
6. ANDA 86-598; Nandrolone Decanoate 100 mg/mL; Carter Glogau Laboratories, Inc.
7. ANDA 87-488; Nandrolone Phenproprionate 50 mg/mL; Carter Glogau Laboratories, Inc.

IV. Opportunity for Hearing

On the basis of all data and information available to him, the Director of the National Center for Drugs and Biologics is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335) and 21 CFR 314.111(a)(5) demonstrating the effectiveness of the drugs that are not in compliance with the conditions established for continued marketing (items I and II above).

Therefore, notice is given to the holders of new drug application No's. 8-736, 11-761, 12-226, and 12-733 and of abbreviated new drug application No.'s 87-465, 87-466, 87-945, and 87-951, and to all interested persons, that the Director of the National Center for Drugs and Biologics proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval or conditional approval of the applications and all amendments and supplements thereto on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holders of the applications specifically named above, this notice of opportunity for hearing applies to all persons (except those in compliance with the terms of the exemption) who manufacture or distribute a drug product, not the subject of an approved application, that is identical, related, or similar to a drug product name above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for a hearing to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, contained in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated under it (21 CFR Parts 310, 314), the applicants and all other persons subject to this notice under 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the applications should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug products named above and of all identical, related, or similar drug products.

An applicant or any other person subject to this notice under 21 CFR 310.6 who decides to seek a hearing shall file (1) on or before February 17, 1983, a written notice of appearance and request for hearing, and (2) on or before March 21, 1983, the data, information, and analysis relied on to justify a hearing as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of appearance and request for hearing, a submission of data, information, and analysis to justify a hearing, other comments, and a grant or denial of hearing are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice under 21 CFR 310.6 to file a timely written notice of appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed with respect to the product and constitutes a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate

regulatory action to remove such drug products from the market. Any new drug product marketed without an approved application is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is not a genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner for Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in four copies. Such submissions, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the National Center for Drug and Biologics (see 21 CFR 5.82 and 47 FR 26913 published in the **Federal Register** of June 22, 1982).

Dated: January 10, 1983.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 83-1144 Filed 1-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82F-0390]

Hercules, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Hercules, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of hydrogenated styrene polymer resins as components of adhesives used in articles intended for packaging, transporting, or holding food.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAB 3B3692) has been filed by Hercules, Inc., Wilmington, DE 19899, proposing that Part 175 (21 CFR Part 175) be amended to provide for the safe use of hydrogenated styrene polymer resins as components of adhesives used in articles intended for packaging, transporting, or holding food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: January 6, 1983.

Sanford A. Miller,

Director, Bureau of Foods

[FR Doc. 83-1305 Filed 1-17-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Arizona, Safford District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Safford District Grazing Advisory Board will be held on Friday, February 18, 1983.

The meeting will begin at 9:00 a.m. in the Conference Room of the Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546.

The agenda for the meeting will include:

1. Election of Chairman and Vice-chairman;
2. Discussion of Range Improvement policy;
3. Cooperative range improvement development and maintenance;
4. Asset management;
5. BLM management update;
6. Business from the floor.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 10:00 a.m. and 11:00 a.m. A written copy of the oral statement must be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546, by 4:15 p.m., Thursday, February 17, 1983.

At the conclusion of that session the Board members will depart via BLM-provided vehicles for a field trip to Bonita Creek. Members of the public may accompany the tour but must provide their own transportation. It is expected the Board members will return to the Safford District Office at approximately 4:00 p.m.

Summary Minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Dated: January 10, 1983.

Vernon L. Saline,

Acting District Manager.

[FR Doc. 83-1311 Filed 1-17-83; 8:45 am]

BILLING CODE 4310-84-M

Meeting of the California Desert District Advisory Council

Notice is hereby given in accordance with Public Laws 92–463 and 94–579 that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet formally Friday, February 4 and Saturday, February 5, 1983, in the Pasadena Convention Center, 300 E. Green Street, Room 316, Pasadena, California. The meetings will be from 9 a.m. to 5 p.m. both days.

The two day session will provide a forum for public discussion and a critique of BLM's management of the public lands since adoption of the California Desert Plan in 1980. Interest groups will have the opportunity to raise new issues, evaluate the effect of the Plan with respect to their interests and submit recommendations for change.

The agenda will also include: the appointment of new members to the Council; a brief report on 1982 Plan Amendments; a subcommittee report on the Escondido Project and a report on a state-wide trail system for off-highway vehicles proposed by the State of California, Department of Parks and Recreation.

The meeting is open to the public, with time allotted for comments from the general public. Statements may be filed in advance to Desert Advisory Council Chairman Clayton A. Record, Jr., Public Affairs Office, 1695 Spruce Street, Riverside, California 92507.

For further information and meeting confirmation contact the California

Desert District, 1695 Spruce Street, Riverside, California (714) 351–6383.

Dated: January 10, 1983.

Gerald E. Hillier,

District Manager.

[FR Doc. 83-1349 Filed 1-17-83; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Indiana Dunes National Lakeshore Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10 a.m., CST, on Friday, February 11, 1983, at the Indiana Dunes National Lakeshore Visitor Center at U.S. Highway 12 and Kemil Road, Chesterton, Indiana.

The Commission was established by the Act of November 5, 1966, 80 Stat. 1309, 16 U.S.C. 460u–7, as amended by the Act of October 18, 1976, 90 Stat. 2530, 2533, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. John R. Schnurlein (Chairperson)
Mr. Ronald Bensz
Ms. Anna R. Carlson
Mr. R. M. Gacki
Mr. James Holland
Ms. Lynne Kaser
Mr. James H. Lahey
Mr. William L. Lieber
Ms. Celia Nealon
Ms. Gail H. Harris
Dr. John A. Rackauskas
Dr. John Tucker
Mr. Norman E. Tufford

Matters to be discussed at this meeting include:

1. Chairman's Quarterly Report.
2. Status of land acquisition.
3. Quarterly Status Report of planning and development for Indiana Dunes National Lakeshore.
4. Quarterly Status Report of 1982 operations.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, Indiana 46304, telephone 219–926–7561.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at 1100 North Mineral Springs Road, Porter, Indiana.

Dated: January 7, 1983.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 83-1326 Filed 1-17-83; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 7, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by February 2, 1983.

Carol D. Shull,

Chief of Registration, National Register.

CALIFORNIA

Sacramento County

Sacramento, *Blue Anchor Building (California Fruit Exchange)*, 1400 Tenth St.

IOWA

Johnson County

Iowa City, *Pratt, A. W., House*, 503 Melrose Ave.

Monroe County

Lovilia vicinity, *Buxton Historic Townsite*, NE of Louilia

KENTUCKY

Jefferson County

Louisville, *Sears, Roebuck and Company Store*, 800 W. Broadway

MASSACHUSETTS

Bristol County

Fall River, *Algonquin Printing Co. (Fall River MRA)*, Bay St.
Fall River, *American Printing Co. and Metacomet Mill (Fall River MRA)*, Anawan St.
Fall River, *Anthony, David M., House (Fall River MRA)*, 368 N. Main St.
Fall River, *Ashley House (Fall River MRA)*, 3159 N. Main St.
Fall River, *Barnard Mills (Fall River MRA)*, 641–657 Quarry St.
Fall River, *Belmont Club/John Young House (Fall River MRA)*, 34 Franklin St.
Fall River, *Blossom, Barnabus, House (Fall River MRA)*, 244 Grove St.
Fall River, *Boguslavsky Triple-Deckers (Fall River MRA)*, 53–87 Albion St.
Fall River, *Borden, A. J., Building (Fall River MRA)*, 91–111 S. Main St.
Fall River, *Borden, Ariadne J. and Mary A., House (Fall River MRA)*, 92 Globe St.
Fall River, *Borden, N.B., School (Fall River MRA)*, 43 Morgan St.
Fall River, *Borden-Winslow House (Fall River MRA)*, 3063 N. Main St.
Fall River, *Brayton Methodist Episcopal Church (Fall River MRA)*, 284 Griffin St.
Fall River, *Brightman, Hathaway, House (Fall River MRA)*, 205 Crescent St.
Fall River, *Bristol County Superior Court (Fall River MRA)*, 441 N. Main St.
Fall River, *Canedy, Squire William B., House (Fall River MRA)*, 2634 N. Main St.
Fall River, *Cataract Engine Company No. 3 (Fall River MRA)*, 116 Rock St.
Fall River, *Central Congregational Church (Fall River MRA)*, 100 Rock St.
Fall River, *Chace Mills (Fall River MRA)*, Lewiston and Salem Sts.
Fall River, *Chace, A. B., Rowhouses (Fall River MRA)*, 655–685 Middle St.
Fall River, *Chace's, Oliver, Thread Mill (Fall River MRA)*, 505 Bay St.
Fall River, *Charlton Mill (Fall River MRA)*, 109 Howe St.
Fall River, *Chase-Hyde Farm (Fall River MRA)*, 1281–1291 New Boston Rd.
Fall River, *Children's Home (Fall River MRA)*, 427 Robeson St.
Fall River, *Church of the Ascension (Fall River MRA)*, 160 Rock St.
Fall River, *Collins, William, House (Fall River MRA)*, 3775 N. Main St.
Fall River, *Connell, William M., School (Fall River MRA)*, 650 Plymouth Ave.
Fall River, *Cornell Mills (Fall River MRA)*, Alden St.
Fall River, *Coughlin School (Fall River MRA)*, 1975 Pleasant St.
Fall River, *Crescent Mill (Fall River MRA)*, 30 Front St.
Fall River, *Davol School (Fall River MRA)*, 112 Flint St.
Fall River, *Davol, William C., Jr. House (Fall River MRA)*, 252 High St.
Fall River, *Downtown Fall River Historic District (Fall River MRA)*, N. and S. Main, Bedford, Granite, Bank, Franklin, and Elm Sts.
Fall River, *Durfee Mills (Fall River MRA)*, 359–479 Pleasant St.
Fall River, *Earle, John M., House (Fall River MRA)*, 352 Durfee St.
Fall River, *Fall River Bleachery (Fall River MRA)*, Jefferson St.
Fall River, *First Baptist Church (Fall River MRA)*, 200–228 N. Main St.
Fall River, *Flint MIlls (Fall River MRA)*, Adlden St.
Fall River, *Foster Spinning Co. (Fall River MRA)*, Cover St.
Fall River, *Globe Yarn Mills (Fall River MRA)*, Globe St.
Fall River, *Greany Building (Fall River MRA)*, 1270–1288 Pleasant St.
Fall River, *Hargraves Mill #1 (Fall River MRA)*, Quarry St.
Fall River, *Hathaway, James D., House (Fall River MRA)*, 311 Pine St.

Fall River, *Highlands Historic District (Fall River MRA)*, Roughly bounded by June, Cherry, and Weetamoe Sts., Lincoln, Highland, President, N. Main, and Hood Aves.
Fall River, *Hiker The, (statue) (Fall River MRA)*, Pleasant St. at Plymouth Ave.
Fall River, *House at 108–112 Quarry Street (Fall River MRA)*, 108–112 Quarry St.
Fall River, *Jesus Marie Convent (Fall River MRA)*, 138 S. Joseph's St.
Fall River, *Kennedy Park (Fall River MRA)*, Bounded by S. Main St., Bradford Ave., Middle, and Bay Sts.
Fall River, *King Philip Mills (Fall River MRA)*, Kilburn St.
Fall River, *Lindsey, William, House (Fall River MRA)*, 373 N. Main St.
Fall River, *Massasoit Fire House #5 (Fall River MRA)*, 83 Freedom St.
Fall River, *Mechanics Mill (Fall River MRA)*, 1082 Davol St.
Fall River, *Narragansett Mills (Fall River MRA)*, 1567 N. Main St.
Fall River, *North Burial Ground (Fall River MRA)*, N. Main St. between Brightman and Cory Sts.
Fall River, *North Christian Congregational Church (Fall River MRA)*, 3538 N. Main St.
Fall River, *Notre Dame School (Fall River MRA)*, 34 St. Joseph's St.
Fall River, *Oak Grove Cemetery (Fall River MRA)*, 765 Prospect St.
Fall River, *Osborn Street School (Fall River MRA)*, 160 Osborn St.
Fall River, *Picard, Israel, House (Fall River MRA)*, 690 County St.
Fall River, *Pilgrim Mills (Fall River MRA)*, 847 Pleasant St.
Fall River, *Pine Street School (Fall River MRA)*, 880 Pine St.
Fall River, *Pocasset Firehouse #7 (Fall River MRA)*, 1058 Pleasant St.
Fall River, *Prince Henry the Navigator (statue) (Fall River MRA)*, Eastern Ave. at Pleasant St.
Fall River, *Quequechan Club (Fall River MRA)*, 306 N. Main St.
Fall River, *Quequechan Valley Mills Historic District (Fall River MRA)*, Quequechan, Jefferson, and Stevens Sts. between I–195 and Denver St.
Fall River, *Read, Nathan, House (Fall River MRA)*, 506 N. Main St.
Fall River, *Ruggles Park (Fall River MRA)*, Bounded by Seabury, Robeson, Pine and Locust Sts.
Fall River, *Sagamore Mill No. 2 (Fall River MRA)*, 1822 N. Main St.
Fall River, *Sagamore Mills #1 and #3 (Fall River MRA)*, Ace St.
Fall River, *Sanford Spinning Co. (Fall River MRA)*, Globe Mills Ave.
Fall River, *Santo Christo Church (Fall River MRA)*, 240 Columbia St.
Fall River, *Seaconnet Mills (Fall River MRA)*, E. Warren St.
Fall River, *Smith, John Mace, House (Fall River MRA)*, 399 N. Main St.
Fall River, *St. Anne's Church and Parish Complex (Fall River MRA)*, 780 S. Main St.
Fall River, *St. Joseph's Church (Fall River MRA)*, 1355 N. Main St.
Fall River, *St. Joseph's Orphanage (Fall River MRA)*, 56 St. Joseph's St.
Fall River, *St. Louis Church (Fall River MRA)*, 440 Bradford Ave.
Fall River, *St. Mary's Cathedral and Rectory (Fall River MRA)*, 407 Spring St.
Fall River, *St. Patrick's Church (Fall River MRA)*, 1588 S. Main St.
Fall River, *Stafford Mills (Fall River MRA)*, County St.
Fall River, *Union Mills (Fall River MRA)*, Pleasant St.
Fall River, *Valentine-French House (Fall River MRA)*, 5105 N. Main St.
Fall River, *Wampanoag Mills (Fall River MRA)*, Quequechan St.
Fall River, *Winslow, Luther Jr., House (Fall River MRA)*, 5225 N. Main St.
Fall River, *Woman's Club of Fall River (Fall River MRA)*, 542 Walnut St.

MINNESOTA

Ramsey County

St. Paul Vicinity, *Rohland, Otto W., Building*, 455–457–459 Old Fort Rd. W.

NEW JERSEY

Mercer County

Pennington vicinity, *Van Cleve, Col. John, Homestead (Hopewell Township Poor Farm)*, NW of Pennington on Poor Farm Rd.

NEW MEXICO

Bernalillo County

Albuquerque, *Veterans Administration Medical Center*, 2100 Ridgecrest, SE

NORTH CAROLINA

Person County

Bushy Fork vicinity, *Henry-Vernon House*, SW of Bushy Fork on NC 49

Swain County

Bryson City, *Frye-Randolph House and Fryemont Inn*, Fryemont Rd.

VERMONT

Addison County

Bristol, *Bristol Downtown Historic District*, Main St.

Washington County

Plainfield, *Plainfield Village Historic District*, High, School, Main and Water Sts., and Brook R.

Windham County

Bellows Falls, *Miss Bellows Falls Diner*, 90 Rockingham St.

Windsor County

South Reading, *South Reading Schoolhouse*, Felchville-Tyson's Corner Rd.
South Royalton vicinity, *Royalton Mill Complex*, N of South Royalton on Town Rd. 12

[FR Doc. 83-1327 Filed 1-17-83; 8:45 am]
BILLING CODE 4310-70-M

Office of the Secretary

Privacy Act of 1974; Revision and Update of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. Except as noted below, all changes being published are editorial in nature, and reflect organization changes and other minor administrative revisions which have occurred since the publication of the material in the **Federal Register** on January 7, 1982 (47 FR 862). All the systems notices described herein pertain to records maintained by the U.S. Geological Survey.

One records system is being deleted from the Department's inventory of Privacy Act systems of records, as follows:

System Name: Management Information System, National Mapping Division—Interior, EGS–17 (Published at 47 FR 865). This system of records has been merged into the Geological Survey system of records titled: Employee Work Report Edit and Individual Employee Production Rates—Interior, EGS–24, which is published below.

The following system notices are updated and republished in their entirety below.

1. System Name: National Research Council Grants Program—Interior, EGS–9 (Published at 47 FR 862).

2. System Name: Security—Interior EGS–11 (Published at 47 FR 862).

3. System Name: Project Descriptions and Work Plans and Accomplishments—Interior, EGS–12, (Published at 47 FR 863).

4. System Name: Employee Work Report Edit and Individual Employee Production Rates—Interior, EGS–24 (Published at 47 FR 867).

Additional information regarding this notice may be obtained from the Departmental Privacy Act Officer, Office of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C. 20240, telephone 202–343–6191.

Dated: January 10, 1983.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

INTERIOR/EGS-9

SYSTEM NAME:

National Research Council Grants Program—Interior, GS—9.

SYSTEM LOCATION:

(1) Office of the Chief Geologist, Geologic Division, Reston, Virginia 22092 (2) National Research Council, 2101 Constitution Avenue, N.W., Washington, D.C. 20418.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for grants made through the National Research Council, who are assigned to the U.S. Geological Survey, Geologic Division under this program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, grade, title, organization, and place of birth of person being granted access. Also file of SF 171 and college transcripts for for each individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 31 et seq., 5 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to evaluate individuals being considered for grants made through the National Research Council. Disclosures outside the Department of the Interior may be made: (1) To the National Research Council for evaluation purposes; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigation or prosecuting the violation or for enforcing or implementing the Statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (6) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the insurance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual system maintained in cardex and legal files showing data on Research Associates assigned to U.S. Geological Survey, Geologic Division under this program.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records disposed of periodically as prescribed under records control system.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief Geologist, U.S. Geological Survey, National Center, Mail Stop 912, Reston, Virginia 22092.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority of 5 U.S.C. 552a(k)(5), the Department of the Interior has adopted a regulation (43 CFR 2.79(2)) which exempts this system from the provisions of 5 U.S.C. 552(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) to the extent that the system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for federal civilian employment. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/EGS-11

SYSTEM NAME:

Security—Interior, GS-11.

SYSTEM LOCATION:

(1) Office of the Chief Geologist, Geologic Division, Reston, Virginia 22092, (2) Central and Western Regional Offices of the Geologic Division. (Addresses may be obtained from the System Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Geologic Division employees who have been granted security clearances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of Security Clearance, for Division personnel; contains name, grade, organization, social security number, and place and date of birth and type of security clearance of person being granted access.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10501.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to keep current records on security clearances in the Geologic Division. Disclosure outside the Department of the Interior may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual systems maintained in locked cardex and legal size files.

RETRIEVABILITY:

Indexed by individual name.

SAFEGUARDS:

Maintained with security meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records on former employes disposed under prescribed procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Geologic Division, U.S. Geological Survey, National Center, Mail Stop 912, Reston, Virginia 22092.

NOTIFICATION PROCEDURES:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURE:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/EGS-12

SYSTEM NAME:

Project Description and Work Plans and Accomplishments-Interior, GS-12.

SYSTEM LOCATION:

Budget and Program Office, Office of the Chief Geologist, U. S. Geological Survey, Reston, Virginia 22092.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Scientists who are in charge of one or more projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Project Description describes the objectives, location, and justification of the project. The Work Plans and Accomplishments is a yearly accountability of each project's scientific progress during the past year and a work plan for the coming year.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 31, 48, 49.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The primary uses of the records are (a) to track and account for the progress of various projects; (b) to develop a work plan for the next year, (c) to keep scientists within the U.S. Geological Survey aware of the activities of the Geologic Division, either current or historic; and (d) to respond to various Congressional and other Federal and State requests regarding the activities of the Geologic Division. Disclosure outside the Department of the Interior may be made (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefits; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit; (6) information from these records is provided annually to State Geological Surveys to keep them informed on current activities pertinent to their States.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in an on-line computerized data base.

RETRIEVABILITY:

Data retrievable by project number and various ad hoc methods, i.e., key work, location of investigations, latitude and longitude, and name of Project Chief.

SAFEGUARDS:

Access to data for information purpose is unrestricted; however, data can only be appended or altered by authorized personnel such as the project chief or Information System Coordinators and Data Base Administrator in the Office of the Chief Geologist, Office of Program and Budget.

RETENTION AND DISPOSAL:

Completed project records are changed in status from "active" to "historic." Data is still available online; an archiving system will probably be developed over the next two years.

SYSTEM MANAGER(S) AND ADDRESS:

Policy and Budget Officer, Office of the Chief Geologist, U.S. Geological Survey, National Center, Mail Stop 910, Reston, Virginia 22092

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager. See 43 CFR 2.60.

RECORDS ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

The information comes from the individuals who are in charge of one or more projects.

INTERIOR/EGS-24

SYSTEM NAME:

Employee Work Report Edit and Individual Employee Production Rates—Interior, GS-24.

SYSTEM LOCATION:

(1) U.S. Geological Survey, National Mapping Division, National Center, Stop 511, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (2) Eastern Mapping Center, National Mapping Division, National Center, Stop 567, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (3) Mid-Continent Mapping Center, National Mapping Division, USGS Building, 1400 Independence Road, Rolla, Missouri 65401. (4) Rocky Mountain Mapping Center, National Mapping Division, Box 25046, Stop 510, Denver, Colorado 80225. (5) Western Mapping Center, National Mapping Division, 345 Middlefield Road, Menlo Park, California 94025. (6) Office of Plans and Production Control, National Center, Stop 580, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Production employees in Mapping Centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, social security number, cost and production rates, hours, and miles by individual production employee in each of the offices listed above, as well as GS professionals (geologists, hydrologists, etc.) who conducted research and investigations for which results are published in GS reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 43 U.S.C. 31, 1467.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is for analysis of cost and production rate for individual employees and for units of National Mapping Division. Disclosure outside the Department of the Interior may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies, responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security

clearance, license, contract, grant or other benefits; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on punched cards, magtape, and disc.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access restricted to authorized persons only from locked storage.

RETENTION AND DISPOSAL:

Records maintained for a period of 1 to 5 years and then destroyed in accordance with existing regulations for this class of records.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Chief, Branch of Management Systems and Reports, Office of Program Management, National Mapping Division, National Center, Stop 511, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (2) Chief, Program Management Branch, Eastern Mapping Center, National Mapping Division, National Center, Stop 567, 12201 Sunrise Valley Drive, Reston, Virginia 22092. (3) Chief, Branch of Plans and Production, Mid-Continent Mapping Center, National Mapping Division, USGS Building, 1400 Independence Road, Rolla, Missouri 65401. (4) Chief, Branch of Plans and Production, Rocky Mountain Mapping Center, National Mapping Division, Box 25046, Stop 510, Denver, Colorado 80225. (5) Chief, Branch of Plans and Production, Western Mapping Center, National Mapping Division, 345 Middlefield Road, Menlo Park, California 94025. (6) Chief, Office of Plans and Production Control, National Center, Stop 580, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

NOTIFICATION PROCEDURE:

A request for notification shall be addressed to the appropriate System Manager. See 43 CFR 2.60 for submission requirements.

RECORD ACCESS PROCEDURE:

A request for access shall be addressed to the appropriate System Manager. See 43 CFR 2.61 for submission requirements.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager. See 43 CFR 2.71 for submission requirements.

RECORD SOURCE CATEGORIES:

Data from work report prepared by individuals.

[FR Doc. 83-1321 Filed 1-17-83; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387]

Exemptions for Contract Tariffs Norfolk & Western Railway Co. et al.,

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	Decided date
606	Norfolk and Western Railway Co., ICC-NW-C-0019, Supplement 3, (Grain) via Port of Norfolk, VA	*3	1-10-83
615	Illinois Central Gulf Railroad Co., ICC-ICG-C-0064, (Lard, nec; lard edible; grease, animal, inedible; grease; animal nec; tallow, animal, nec)	*2	1-10-83
616	Burlington Northern Railroad Co., ICC-BN-C-0256, (Iron or steel plate, sheet, coiled steel or iron or steel pipe) via Port of Portland, OR	*3	1-10-83
617	Missouri Pacific Railroad Co., ICC-MP-C-0217, (Lumber, plywood and particleboard)	**1	1-10-83
618	Missouri Pacific Railroad Co., ICC-MP-C-0141, (Corn, grain sorghums, soybeans and wheat) via MP ports in LA and TX	*2	1-10-83
620	Illinois Central Gulf Railroad Co., ICC-ICG-C-0011, Supplement 1, (Poly vinyl chloride)	*2	1-11-83
621	Chicago and North Western Transportation Co., ICC-ICG-C-0059, (Bituminous coal)	*1	1-11-83
622	Chicago and North Western Transportation Co., ICC-CNW-C-0412, (Woodpulp) via Port Green Bay, WI	*2	1-11-83
624	Missouri Pacific Railroad Co., ICC-MP-C-0219, (Steel coils)	*2	1-11-83
625	Burlington Northern Railroad Co., ICC-BN-C-0252, (Gilsonite (asphalt, natural))	*1	1-11-83
627	Burlington Northern Railroad Co., ICC-BN-C-0257, (Nitrogen fertilizer solution)	*1	1-11-83
628	Burlington Northern Transportation Co., ICC-BN-C-0258, (Bentonite clay)	*2	1-11-83

*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.

**Review Board No. 1, Members Parker, Chandler, and Fortier, Member Fortier not participating.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-1176 Filed 1-17-83; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

January 12, 1983.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice. No. 43985, Pacific Southcoast Freight Bureau, Agent (No. 569), reduced rates on groundwood paper, minimum weight 100,000 pounds, from Powell River, BC to Los Angeles, CA. Rates are to be published in Section 1 to Tariff ICC PSFB 4562-C. Grounds for relief—Market Competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-1289 Filed 1-17-83; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

January 13, 1983.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice. No. 43986, Consolidated Rail Corporation, reduced rates on automobile parts, in box cars, between points in the Official Territory, in Tariff ICC CR 4458, issued by Consolidated Rail Corporation. Grounds for relief: Motor Carrier Competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-1290 Filed 1-17-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice; Finance Applications

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 I.C.C. 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 decision 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.

By the Commission, Review Board No. 3, Members Krock, Joyce, Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquires to Team Four at (202) 275-7669.

Volume No. OP4-MCF-010

MC-F-15029, filed December 13, 1982. E. J. Christensen (Christensen) (P.O. Box 451, Vancouver, WA 98660)—continuance in control—SEA-PORT TRUCKING, INC. (Sea-Port) (9833 40th Ave. South, Seattle, WA 98118). Representative: Earle V. White, 2400 S.W. Fourth Ave., Portland, OR 97201. Christensen seeks authority to continue in control of Sea-Port upon Sea-Port's institution of operations in interstate and foreign commerce as a motor common carrier. Christensen presently controls Southwest Delivery Company, Inc., a motor common carrier under a certificate issued in MC-126714 and sub-numbers which authorizes the transportation of general and specified commodities: over a regular route between Portland, OR and Vancouver, WA, on the one hand, and, on the other, Olympia, Tacoma, Seattle, and Everett, WA; over irregular routes between points in northwestern OR counties on the one hand, and, on the other, points in western WA counties; and over irregular routes between points in southwest WA counties, on the one hand, and, on the other, points in eastern WA counties.

Notes.—(1) Sea-Port has filed as a directly related application, its initial common carrier application in No. MC-163786 which was published in the Federal Register on October 5, 1982, for authority to transport general commodities (with exceptions), between points in WA, OR, ID, MT, CA, NV,UT, AZ, AND AK. (2) As a condition to a grant of that authority, Christensen was required to file this continuance in control application or submit an affidavit indicating why such approval is unnecessary.

Volume No. OP4-F-011

Dated: January 13, 1983.

MC-F-15040, filed December 16, 1982. JACK LINK TRUCK LINE, INC. (LINK) (P.O. Box 127, Dyersville, IA 52040)—purchase (portion)—JOHNSRUD TRANSPORT, INC. (JOHNSRUD) (P.O. Box 447, Cresco, IA 52136). Representative: Jack H. Blanshan, 21363 N. Pheasant Trail, Barrington, IL 60010. Link seeks authority to purchase a portion of the interstate operation rights and property of Johnsrud. Emil J. Link, the president and owner of 39 percent of the stock of Link, and John E. Link, the Secretary-Treasurer and owner of 60 percent of the stock of Link, seek authority to acquire control of said rights through the transaction. Link is seeking to acquire that portion of Johnsrud's operating rights in No. MC-128075 (Sub-No. 44) X which supersedes No. MC-128075 (Sub-No. 3), authorizing the transportation over regular routes of (1) *Machinery, metal products, pulp, paper and related products, petroleum, natural gas and their products, clay, concrete, glass or stone products, and lumber and wood products*, (except commodities in bulk), between Chicago, IL, and Waukon, IA, serving all intermediate points and points in Allamakee, Winneshiek, Fayette and Clayton Counties, IA, as off-route points; and over irregular routes of (2) *Machinery and metal products*, between points in Fulton and Whiteside Counties, IL, Chicago, IL, and Minneapolis-St. Paul, MN, on the one

hand, and, on the other, points in certain IA and MN Counties; between points in Washington County, MN, on the one hand, and, on the other, points in certain IA Counties; and between points in Whiteside County, IL, and Moline, IL, on the one hand, and, on the other, points in certain IA Counties; (3) *Machinery*, between Moline, IL, on the one hand, and, on the other, points in Mitchell County, IL, and Mower County, MN; and between points in Black Hawk County, IA, on the one hand, and, on the other points in Mower County, MN; (4) *Building materials*, between Minneapolis and St. Paul, MN, and points in Mower and Freeborn Counties, MN, on the one hand, and, on the other, points in certain IA Counties; (5) *Machinery and metal products*, between Peoria, IL, on the one hand, and, on the other, points in Floyd, and Mitchell Counties, IA; and (6) *Machinery, metal products, lumber and wood products, rubber and plastic products, and clay, concrete, glass or stone products*, between points in certain IA Counties, on the one hand, and, on the other, points in MN and IL. Link is authorized to operate as a motor common carrier and contract carrier in MC–128497 and MC–124807, respectively and sub-numbers thereunder.

Notes.—(1) Transferor, in the recent past, has not operated. Thus, it appears that the operating rights to be acquired are dormant. (2) Link also seeks to eliminate specified gateways in No. MC–128497 (Sub-No. 23) Jack Link Truck Line, Inc.—Gateway Elimination; however, this application was denied by this Board in a decision of this same date.

[FR Doc. 83–1294 Filed 1–17–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision-Notice; 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 (formerly section 5) 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 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 reconsiderations; 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 49 CFR 1132.4 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 indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also 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 30 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 No. 3, Members Krock, Joyce, and Dowell.

MC FC–80142. By decision of January 10, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR. 1181 Review Board Number 3 approved the transfer to TENNANT TRUCK LINES, INC., of Orion, IL of Permit No. MC–146643 all of (Sub–Nos. 58 and 59), portions of (Sub–Nos 51 and 66) and all of (Sub–Nos. 39F and 48F) and portion of (Sub–No. 9X), issued March 26, April 22, April 14, and January 30, 1981, November 24, 1980, and September 7, 1982, respectively, to INTER-FREIGHT TRANSPORATATION, INC., of Chicago, IL authorizing the Transportation of (1) such commodities as are dealt in or used by manufacturers and distributors of chemicals and allied products, between points in the U.S., under continuing contract(s) with Cook Paint and Varnish Company, of North Kansas City, MO; (2) general commodities (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between points in the U.S. under continuing contracts(s) with Ralston Purina Company, of St. Louis, MO; (3) automotive oils and automotive chemicals (except commodities in bulk), from Kanasas City, KS, and Edison, NJ, to those points in the U.S. in and east of ND, SD, NE, OK, and TX, under continuing contract(s) with Inter State Oil Co., of Kansas City, KS; (4) food and related products, between points in the U.S., under continuing contract(s) with D'Amico Foods Company, of Steger, IL; (5) flour (except in bulk), from the facilities of the Pillsbury Company, at or near Minneapolis, MN, to points in IL, IN, MI, MO, OH, and WI, under continuing contract(s) with the The Pillsbury Company, of Minneapolis, MN; (6) canned foodstuffs (except cold packed or frozen foodstuffs), from Chicago, IL, to St. Louis, Salem, Springfield and Sedalia, MO, under continuing contracts(s) with Campbell Soup Company (2) of Camden, NJ. (7) food and related products, between points in the U.S., under continuing contract(s) with the Pillsbury Company, of Minneapolis, MN and Campbell Soup Company, of Camden, NJ. Representatives: Thomas W. Drexler, 105 West Madison St., Chicago, IL 60602; Joseph Winter, 29 South LaSalle St., Chicago, IL 60603.

MC FC–80165. By decision of December 29, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3, approved the transfer to BRANCH TRANSFER, INC., of Harris, MN or Permit No. MC–133490 (Sub–Nos. 1, 3, 6, 8, 12F, 13F, 16X, 17 and 19), issued March 2, 1970, June 18, 1976, June 23, 1972, March 27, 1974, August 8, 1980, July 24, 1980, June 10, 1981, July 8, 1981 and June 28, 1982, respectively, to LEE's TRUCKING, INC., of North Branch, MN, authorizing the transportation of general commodities with named exceptions, and specified commodities, such as food and related products, lumber and wood products, clay, concrete, glass, and stone products, metal products, rubber and plastic products, between points in the U.S. under continuing contract(s) with TCB, Inc., Harney Bulders, Inc., Tuffy's a Division of Star-Kist Foods, Inc. and Federal Cartridge Corporation. Representative: Samuel Rubenstein, Box 5, Minneapolis, MN 55440.

Note.—No TA filed. Transferee holds no authority.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–1296 Filed 1–17–83; 8:45 am]

BILLING CODE 7035–01–M

[OP1FC–11]

Motor Carriers; Decision-Notice; Finance Applications

[OP1FC–11]

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 49 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 No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—Please direct status inquiries to Team 1, (202) 275–7992.

MC–FC–80105. By decision of December 28, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3, reopened the proceeding and approved the transfer to Jim Senske, doing business as Senske & Son Transfer, of Crookston, MN, of Certificate No. MC–136293 (Sub-No. 3) issued November 23, 1982, to Louie Senske and Jim Senske, doing business as Senske & Son Transfer, Crookston, MN, authorizing the transportation of general commodities (except classes A and B explosives and household goods), between points in six named counties in MN and three named counties in ND, on the one hand, and, on the other, points in the US (execpt AK and HI). Applicants' Representative: James B. Hovland, 525 Lumber Exchange Building, Ten South Fifth St., Minneapolis, MN 55402.

[FR Doc. 83-1296 Filed 1-17-83; 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 icompliance 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 publication 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 presemptiopn 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 Three at (202) 275–5223.

Volume No. OP3–04

Decided: January 11, 1983

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 165364, filed December 27, 1982. Applicant: TRAVEL IN STYLE, INC., 901 Electric St., Scranton, PA 18509. 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 PA and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165385, filed December 28, 1982. Applicant: AMERICAN STAGE LINES, 1488 Soccer Court, Concord, CA 94518. Representative: George Edwards McManus, (same address as applicant), (415) 687–7705. Transporting *passengers*, in special and charter operations, beginning and ending at points in San Francisco, San Mateo, Alameda, Contra Costa, Solano, Napa, Sonoma, and Marin Counties, CA, and extending to Reno, NV.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165425, filed December 28, 1982. Applicant: LONN W. NELSEN, INC., RR #1, Box 99, Avoca, IA 51521. 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. OP3–77

Decided: January 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 40815 (Sub-10), filed December 27, 1982. Applicant: HARRAN TRANSPORTATION CO., INC., 1417 Jerusalem Ave., North Merrick, NY 11565. Representative: William H. Shawn, Suite 501, 1730 M St., N.W., Washington, D.C. 20036. (202) 296–2900. 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 121044 (sub-10(B)), filed December 20, 1982. Applicant: ACTION EXPRESS, INC., P.O. Box 722, Boise, ID 83701. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. (208) 343–3071. (1) 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., and (2) As a *broker of general commodities* (except household goods), between points in the U.S.

MC 136225 (Sub-3), filed December 28, 1982. Applicant: PHILIPPS BUS SERVICE, INC., Route 3, Box 112, Winona, MN 55987. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. 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 140094 (Sub-4), filed December 21, 1982. Applicant: LATIN EXPRESS SERVICE, INC., 901 N.W. 22nd Ave., Miami, FL 33125. Representative: Kim G. Meyer, P.O. Box 56282, Atlanta, GA 30343, (404) 523–1717. Over *regular routes*, transporting *passengers*, between Miami Beach, FL and New York, NY: From Miami Beach over McArthur Causeway to Miami, then over the FL Sunshine State Parkway to Orlando, FL, then over Interstate Hwy 4 to junction Interstate Hwy 95, then over Interstate Hwy 95 to the DE Memorial Bridge, then over the DE Memorial Bridge to the NJ Turnpike, then over the NJ Turnpike to Interchange 16–E, then over Interstate Hwy 495 to Union City, NJ, and then through the Lincoln Tunnel to New York, NY, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2) (B), and (2) this regular-route authority may be tacked with carrier's existing authority.

MC 165375, filed December 28, 1982. Applicant: NEOTERIC, INC., d.b.a. CHIEF BUS SERVICE, 9205 J St., Omaha, NE 68127. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165394, filed December 28, 1982. Applicant: TAE WEST CORPORATION, 3402 E. Fairway Drive, Suite 336, Coeur d'Alene, ID 83814. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701, (208) 336–5955. 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 165395, filed December 28, 1982. Applicant: ROLLING THUNDER TOURS, INC., 77 Railroad Ave., Closter, NJ 07624. Representative: Roland I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and 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.

Vloume No. OP4–009

Decided: January 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 126667 (Sub-7), filed December 17, 1982, previously noticed in the **Federal Register** issue of January 3, 1983, and republished this issue. Applicant: BRUSH HILL TRANSPORTATION COMPANY, 109 Norfolk St., Dorchester, MA 02124. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783–3525. Transporting *passengers*, in charter and special operations, beginning and ending at points in CT, ME, MA, NH, NY, RI, and VT, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation. The purpose of this republication is to correct the territorial description.

MC 165416, filed December 29, 1982. Applicant: VAILSBURG BUS CO., INC., 123 Pershing Blvd., Lavallette, NJ 08735. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, (413) 781–8205. 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 165417, filed December 27, 1982. Applicant: GLENN E. EKBERG, d.b.a. GLENN E. EKBERG TRUCKING, 13906 N.E. Rose Parkway, Portland, OR 97230. Representative: Glenn E. Ekberg, (same address as applicant), (503) 254–5670. 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 HI).

MC 165447, filed December 30, 1982. Applicant: STEVE L. HURD, 1211 Keyes Rd., Yakima, WA 98901. Representative: Carol M. Cooper, 2802 Beaudry Rd., #861–A, Yakima, WA 98901, (509) 452–1177. 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, between points in the U.S. (except AK and HI).

MC 165457, filed January 3, 1982. Applicant: DERRELL K. JONES, d.b.a. STAGE COACH VIP, INC., 3504 Dickerson Rd., Nashville, TN 37207. Representative: Derrell K. Jones, (same address as applicant), (615) 868-6681. Transporting *passengers*, in charter or special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status inquiries to Team 5 at 202-275-7289.

Volume No. OP5-008

Decided: January 11, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 157809 (Sub-1), December 23, 1982. Applicant: JOHN LAHOTSKI, STEPHEN LAHOTSKI, WILLIAM LAHOTSKI AND PAUL LAHOTSKI d.b.a. BLUE AND WHITE TRUCKING, 181 Phillips St., Throop, PA 18512. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517. Transporting *passengers*, in charter and special operations, beginning and ending at points in PA and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 161508 (Sub-1), December 29, 1982. Applicant: BOB ANDERSON TOURS, INC., 512 Washington Avenue, Woodbine, NJ 08270. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street, N.W., Washington, DC 20005, 202-783-3525. Transporting *passengers*, in charter and special operations, beginning and ending at points in DE, NJ, and PA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 160158 (Sub-1), December 27, 1982. Applicant: EDWIN J. PINA, SR. & SON, INC., 227 Bumps River Road, Osterville, MA 02655. Representative: Arthur M. White, 281 Pleasant Street, 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 operations.

MC 165439, December 27, 1982. Applicant: SEA-TAC PIGGYBACK, INC., 1406 54th Avenue East, Fife, WA 98424. Representative: Paul V. Kemp (same address as applicant), 206-922-2750. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165459, December 29, 1982. Applicant: NEWHURST, INC., R.D. #3, Box 102, Pine Grove, PA 17963. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street, N.W., Washington, DC 20005, 202-783-3525 Transporting *passengers*, in charter and special operations, beginning and ending at points in PA in and east of Fulton, Huntingdon, Centre, Clinton, and Potter Counties, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-1287 Filed 1-17-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter Motor Carrier and Contract Carriers of Property (except fitness-only; Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers 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 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 carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the Federal Register on November 24, 1982 at 7 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

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 publication 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, water carrier dual operations, 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.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions 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 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 is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly. Please direct status inquiries to Team One at (202) 275-7992.

Volume No. OP1-13

Decided: January 6, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 163711, filed December 13, 1982. Applicant: McCOY OF WISCONSIN, INC., d.b.a. FOOD LINER, P.O. Box 956, Monroe, WI 53566. Representative: Donal B. Levine, 180 North LaSalle Street, Chicago, IL 60601, (312) 368-0100. Transporting *food and related products and gift items*, between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This appliction is directly related to MC-F-15031, published in this same Federal Register issue.

Volume No. OP1-10

Decided: January 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 290 (Sub-11(A)), 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. Over regular routes, transporting *passengers*, (1) between sioux Falls, SD, and Mankato, MN, (a) from Sioux Falls, SD, over SD Hwy 115 to Interstate Hwy 90, then over Interstate Hwy 90 to junction U.S. Hwy 71, then over U.S. Hwy 71, to junction MN Hwy 60, then over MN Hwy 60 to Mankato, MN, and return over the same route, (b) from Sioux Falls, SD, over SD Hwy 115 to Interstate Hwy 90, then over Interstate Hwy 90 to junction MN Hwy 60, then over MN Hwy 60 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction U.S. Hwy 14, then over U.S. Hwy 14 to junction MN Hwy 68, then over MN Hwy 68 to junction U.S. Hwy 169 (also MN Hwy 60), then over U.S. Hwy 169 (also MN Hwy 60), to Mankato, MN, and return over the same route, and (2) between Sioux City, IA, and Worthington, MN, from Sioux City, IA, over U.S. Hwy 75 to junction IA Hwy 60, then over IA Hwy 60 to junction IA Hwy 10, then over IA Hwy 10 to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction U.S. Hwy 18, then over U.S. Hwy 18 to junction IA Hwy 60, then over IA Hwy 60 to the IA-MN State line, then over MN Hwy 60 to Worthington, MN, and return over the same route, serving all intermediate points in (1) and (2) above.

Note.—Applicant seeks to provide regular-route service in intrastate commerced under 49 U.S.C. 10922(c)(2)(B). The fitness portion of this application is published in this same Federal Register issue docketed MC-290 Sub-11(B).

MC 37640 (Sub-14), filed December 21, 1982. Applicant: TEXAS BUS LINES, 805 E. Fourth St., Belton, TX 76513. Representative: Scott Keller (same address as applicant), (817) 939-3704. Over regular routes, transporting *passengers*, between Laredo, TX, and Grand Prairie, TX: (1) from Laredo over Interstate Hwy 35 to junction Interstate Hwy 35-East, then over Interstate Hwy 35-East to junction U.S. Hwy 80, then over U.S. 80 to Grand Prairie, serving all intermediate points; and (2) from Laredo over Interstate Hwy 35 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction Interstate Hwy 45, then over Interstate Hwy 45 to junction U.S. Hwy 80, then over U.S. Hwy 80 to Grand Prairie, serving all intermediate points.

MC 54591 (Sub-12), filed December 23, 1982. Applicant: SOUTHEASTERN TRAILWAYS, INC., P.O. Box 1207, Indianapolis, IN 46206. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751-2441. *Over regular routes*, transporting *passengers*, (1) between Chicago, IL, and Louisville, KY, from Chicago over Interstate Hwys 90 and 94 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Louisville, and return over the same route, serving all intermediate points and the off-route points of Lafayette, Lebanon, Franklin, Camp Atterbury, Columbus, Seymour, and Jeffersonville, IN, (2) between Indianapolis, IN, and Cincinnati, OH, over Interstate Hwy 74, serving all intermediate points and the off-route points of Shelbyville, Greensburg, and Batesville, IN, and Cheviot, OH, (3) between Cincinnati, OH, and Knoxville, TN, over Interstate Hwy 75, serving all intermediate points and the off-route points of Williamstown, Georgetown, Lexington, Richmond, Mt. Vernon, London, Corbin, and Williamsburg, KY, and Jellico, TN, (4) between Cincinnati, OH, and Louisville, KY, over Interstate Hwy 71, serving all intermediate points, (5) between Louisville and Lexington, KY, over Interstate Hwy 64, serving all intermediate points and the off-route points of Frankfort and Versailles, KY, and (6) between Ft. Wayne and Indianapolis, IN, over Interstate Hwy 69, serving all intermediate points and the off-route point of Anderson, IN.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

MC 129841 (Sub-4), filed December 16, 1982. Applicant WHITFIELD BUS LINES, INC., 533 North Seventeenth St., P.O. Box 1330, Las Cruces, NM 88001. Representative: James G. Whitley, 215 Lincoln Ave., P.O. Box 2228, Santa Fe, NM 87501, (505) 982-2091. Transporting *passengers and their baggage*, between points in MO, IA, IL and TX, under continuing contract(s) with the United States Department of Justice, Immigration and Naturalization Service, of Omaha, NE.

MC 150231 (Sub-14), filed December 27, 1982. Applicant: MAVERICK TRANSPORTATION, 3223 East Broadway, North Little Rock, AR 72114. Representative: Larry Leahy (same address as applicant), (501) 945-6130. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 159451 (Sub-3), filed December 22, 1982. Applicant: GOLDEN WEST EXPRESS, INC., 4902 So. 61st St., Omaha, NE 68117. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397-9900. Transporting food and related products, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to convert contract carrier authority to common carrier authority.

MC 163400(a), filed December 14, 1982. Applicant: FRONTIER STAGES, INC., 360 North Wolcott, Casper, WY 82601. Representative: Ronald D. Hall, 4548 Country Side Court, Casper, WY 82604, (307) 237-8008. Over regular routes, transporting *passengers*, between Casper, WY, and Gillette, WY: from Casper over Interstate Hwy 25 and U.S. Hwy 87 to Edgerton, WY, they over WY Hwy 387 to Reno Junction, WY, then over WY Hwy 59 to Gillettee, WY, serving all intermediate points, and return over the same route.

Note.—Applicant has also filed a privately funded charter and special transportation

fitness case (MC–163400(b)) published in this same Federal Register.

MC 165390, filed December 27, 1982. Applicant: MOORE MOVING & STORAGE, INC., 4808 Commerce Dr., Newport News, VA 23607. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting *household goods*, between points in CT, DE, FL, GA, MA, MD, NC, NJ, NY, PA, RI, SC, TN, VA and DC.

MC 165420, filed December 27, 1982. Applicant: FRED MULL, d.b.a. MULL TRUCKING, 2683 Alvarado, Sidney, NE 69612. Representative: Fred Mull (same address as applicant), (308) 254–7138. Transporting *metal products*, between points in IL, KY, TX, NE, CA and WA.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–019

Decided: January 10, 1983.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier. (Member Fortier not participating.)

FF 642, filed December 22, 1982. Applicant: ALL-AMERICAN FORWARDING, INC., 2320 Nob Hill Ave. No., Seattle, WA 98109. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, (202) 785–0024. As a *freight forwarder*, in connection with the transportation of *household goods, baggage, and used automobiles*, between points in the U.S.

MC 59583 (Sub-190), filed December 16, 1982. Applicant: THE MASON AND DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010. Washington, DC 20814, (301) 986–1410. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with K Mart Corporation, of Troy, MI.

MC 119632 (Sub-126), filed December 27, 1982. Applicant: REED LINES, INC., 634 Ralston Ave Defiance, OH 43512. Representative: Owen B. Katzman, 1828 L St., N.W., Suite 1111, Washington, DC 20036, 202–822–8200. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI).

MC 144832 (Sub-5), filed December 23, 1982. Applicant: JOE C. SIKES, dba. GLENN-LEE TRUCKING CO., P.O. Box 281, Springfield, GA 31329. Representative: Michael P. Hines (same address as applicant), 912–233–1540. Transporting *iron or steel articles*, between points in AL, FL, GA, MS, NC, SC, TN, and VA.

MC 153032 (Sub-2), filed December 10, 1982. Applicant: ROBERT A. DIEDERICH, JR., dba. DIEDERICH TRUCKING CO., 4085 Walden Ave., Lancaster, NY 14086. Representative: William J. Hirsch, 64 Niagara St., Buffalo, NY 14202, 716–853–0200. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160302, filed December 27, 1982. Applicant: THOMAS INDUSTRIES EXPRESS, INC., P.O. Box 769, 1700 Gilbert St., Hopkinsville, KY 42240. Representative: J. D. Youngblood, 207 East Broadway, P.O. Box 35120. Louisville, KY, 40232, (502) 582–3771. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in White County, TN, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, VA, VT, WB, WI, and DC.

MC 162392 (Sub-1), filed December 27, 1982. Applicant: SIMMS TRUCKING, INC., Route 5, Box 81, Festus, MO 63028. Representative: Edward P. Bocko, P.O Box 496, Mineral Ridge, OH 44440 (216) 652–2789. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Brasscraft Manufacturing Company, Inc., of Detroit, MI.

MC 165372, filed December 22, 1982. Applicant: CANNON EXPRESS, INC., 800 South Ave., Bridgeport, CT 06604. Representative: Stuart Rosenberg (same address as applicant), (203) 336–3826. Transporting *beer*, between points in the U.S., under continuing contract(s) with Gary Beer Distributors, Inc., of Bridgeport, CT.

MC 165383, filed December 28, 1982. Applicant: EMIL LAFAVE, GLEN LAFAVE, HUBERT LAFAVE, KAREN MATHIAS, AND CHARLES LAFAVE, A PARTNERSHIP, d.b.a. LAFAVE TRANSPORT, Route 1, Box 18, Wilson, MI 49896. Representative: William J. Bolognesi, P.O. Box 705, Iron Mountain, MI 49801, (906) 774–2209. Transporting *lumber, lumber products, wood products, forest products, heavy machinery, steel sheets and metal culverts*, between points in MI and WI.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–78

Decided: January 10, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 3104 (Sub-9), filed December 27, 1982. Applicant: Z&M MOTOR LINE, INC., P.O. Box 2345, 205 Bowen St., Cumberland, MD 21502. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting (1) *clay, concrete, glass or stone products*, between points in Montgomery County, MO, on the one hand, and, on the other, points in Allegany County, MD, and (2) *such commodities* as are dealt in or used by a manufacturer of rubber products, between points in the U.S. (Except AK and HI).

MC 10875 (Sub-64), filed December 27, 1982. Applicant: BRANCH MOTOR EXPRESS CO., 114 Fifth Ave., New York, NY 10011. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226, (313) 963–3750. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with K Mart Corporation, of Troy, MI.

MC 67234 (Sub-73), filed December 28, 1982. Applicant: UNITED VAN LINES, INC., One United Dr., Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Sears, Roebuck and Co. and its subsidiaries, of Chicago, IL.

MC 114015 (Sub-39), filed December 28, 1982. Applicant: HUSS, INCORPORATED, Highway 47 West, P.O. Box 666, Chase City, VA 23924. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *clay, concrete, glass or stone products*, between points in the U.S. (except AK and HI), under continuing contract(s) with persons who are engaged in manufacturing and distributing clay, concrete, glass or stone products.

MC 121044 (Sub-10(A)), filed December 15, 1982. Applicant: ACTION EXPRESS, INC., P.O. Box 722, Boise, ID 83701. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. (1) Over *irregular routes*, transporting *general commodities*

(except classes A and B explosives, household goods, and commodities in bulk), between points in CA north of San Luis Obispo, Kern, and San Bernardino Counties, CA, ID, MT, NV, OR, UT, WA, and WY, and (2) *over regular routes*, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (a) Between Provo, UT and Seattle, WA: From Provo over Interstate Hwy 15 to junction Interstate Hwy 80/84, then over Interstate Hwy 84 to junction Interstate Hwy 5, and then over Interstate Hwy 5 to Seattle; (b) Between Portland, OR and Eugene, OR: From Portland over Interstate Hwy 5, serving the off-route points of Corvallis and McMinnville, OR; (c) Between Ontario, OR and Portland, OR: From Ontario over U.S. Hwy 20 to junction U.S. Hwy 395, then over U.S. Hwy 295 to junction U.S. Hwy 26, and then over U.S. Hwy 26 to Portland, OR; (d) Between Burns Junction, OR, and Prineville, OR: From Burns Junction over U.S. Hwy 20 to junction U.S. Hwy 97, then over U.S. Hwy 97 to junction OR State Hwy 126, and then over OR State Hwy 126 to Prineville; (e) Between Boise, ID and Bonners Ferry, ID: From Boise over U.S. Hwy 55 to junction U.S. Hwy 95, and then over U.S. Hwy 95 to Bonners Ferry, ID; (f) Between Boise, ID, and New Meadows, ID: From Boise over Interstate Hwy 84 to junction U.S. Hwy 95, and then over U.S. Hwy 95 to New Meadows, ID, and return over U.S. Hwy 55 to Boise, ID; (g) Between Burley, ID and Idaho Falls, ID: From Burley over U.S. Hwy 30 to junction Interstate Hwy 84, then over Interstate Hwy 84 to junction Interstate Hwy 15, and then over Interstate Hwy 15 to Idaho Falls, ID; and (h) Between junction Interstate Hwy 84 and U.S. Hwy 30, near Delco, ID, and Bliss, ID: From junction Interstate Hwy 84 and U.S. Hwy 30 near Delco, ID, over U.S. Hwy 30 to junction Interstate Hwy 84, then over Interstate Hwy 84 to Bliss, serving all intermediate points in (2) (a) through (h) above.

Note.—The regular-route authority in (2) (a) through (h) may be tacked with carrier's existing authority.

MC 121834 (Sub-3), filed December 27, 1982. Applicant: EZZELL TRUCKING, INC., P.O. Box 67, Harrells, NC 28444. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629-2818. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 128075 (Sub-48), filed December 21, 1982. Applicant: JOHNSRUD TRANSPORT, INC., 5301 Northeast 17th Street, Des Moines, IA 50313. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. Transporting (1) *chemicals* and (2) *commodities* used in the manufacture of weed and tree killing compounds, between points in the U.S., under continuing contract(s) with Albaugh Chemical Corporation, of Ankeny, IA.

MC 133604 (Sub-20), filed December 23, 1982. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 S. 11th Street, Oskaloosa, IA 52577. Representative: Kenneth F. Dudley, P.O. Box 279 Ottumwa, IA 52501, (515) 682-8154. Transporting *general commodities* (except household goods, classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Banquet Foods Corporation, of Ballwin, MO.

MC 141255 (Sub-24), filed December 28, 1982. Applicant: TANDY TRANSPORTATION, INC., 2560 East Long Ave., Fort Worth, TX 76111. Representative: Donnie Brogdon (same address as applicant), (817) 834-0182. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Savannah Food & Industries and its subsidiaries, of Savannah, GA.

MC 142145 (Sub-12), filed December 27, 1982. Applicant: LINDSAY TRANSPORTATION, INC., P.O. Box 97, Lindsay, NE 68644. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145935 (Sub-13), filed December 28, 1982. Applicant: ALL STATES TRANSPORTATION, INC., Rt. 1, Box 27, Fort Worth, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Forth Worth, TX 76112, (817) 457-0804. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 147375, filed December 28, 1982. Applicant: G. H. SINGH & SONS TRUCKING CO. LTD., 46806 Chilliwach Central Rd., R.R. 1, Chilliwack, B.C., Canada V2P 6H3. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017, (213) 627-8471. Transporting *commodities in bulk*, between ports of entry on the International Boundary line between the U.S. and Canada at points in WA, on the one hand, and, on the other, points in Multnomah County, OR, and Los Angeles and Orange Counties, CA.

MC 160785 (Sub-4), filed December 22, 1982. Applicant: CASTAR TRUCKING, INC., 7840 "F" St., Omaha, NE 68127. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397-9900. Transporting (1) *telephone equipment*, between points in MN, IA, ND, SD, NE, MT, WY, CO, NM, ID, UT, AZ, WA, and OR, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *printed matter*, between points in the U.S. (except AK and HI).

MC 160964, filed December 27, 1982. Applicant: DENNIS J. HUNEKE, d.b.a. HUNEKE TRUCKING, 23680 129th Ave. North, Rogers, MN 55374. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927-8855. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with J & B Wholesale Distributing, Inc., of St. Michael, MN.

MC 164665, filed December 22, 1982. Applicant MARKETING UNLIMITED INC., d.b.a. WAGON WHEEL FREIGHT INC., 2911 8th Ave., Chattanooga, TN 37407. Representative C. E. Akins (same address as applicant), (615) 629-4737. Transporting (1) *food and related products*, (2) *general commodities* (except classes A and B explosives, household goods and commodities in bulk) and (3) *carpet and carpet materials*, between Chattanooga, TN, on the one hand, and, on the other, points in TN, GA, KY, IN, VA, OH, NC, SC, FL, MS, MO, NY, NJ, AL, PA, WV, IL and WI.

MC 165275, filed December 27, 1982. Applicant: Sheehy Mail Contractors, Inc., 644 11th Ave. N., Onalaska, WI 54650. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601, (608) 788-2000. Transporting *printed matter* between points in Jefferson, Dane and Sauk Counties, WI on the one hand, and, on the other, points in MN, IA, MO, IL, IN, MI and OH, under continuing contracts with Perry Printing Corp. of Waterloo, WI.

MC 165294, filed December 20, 1982. Applicant: CRAIG HEFFINGTON, 208 East Hefner Road, Oklahoma City, OK 73114. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73108, (405) 528-3884. Transporting *clay, concrete, glass or stone products*,

between points in AR, KS, LA, MO, OK, TN and TX.

For the following, please direct status calls to Team 4 (202) 275-7669.

Volume No. OP4-008

Decided: January 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 42487 (Sub-1066), filed November 15, 1982, previously noticed in the **Federal Register** issue of December 3, 1982, and republished this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226-4692. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S (except AK and HI), under continuing contract(s) with Mattel, Inc., of Hawthorne, CA.

Note.—The purpose of this republication is to correctly state the contracting shipper.

MC 141707 (Sub-3), filed December 30, 1982. Applicant: JOE A. STEVENS TRUCKING, INC., 454 N. College St., Harrodsburg, KY 40330. Representative: George M. Catlett, 700-702 McClure Bldg., Frankfort, KY 40601, (502) 227-7384. Transporting (1) *waste and scrap materials*, between points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, TN, VA, and WV, (2) *such commodities* as are dealt in by suppliers of building materials and steel products, between Louisville, KY, on the one hand, and, on the other, points in AL, CT, FL, GA, IL, IN, MD, MI, MN, NH, NY, OH, PA, SC, TN, and VA, and (3) *such commodities* as are dealt in by manufacturers of cement, between points in Jefferson County, KY, on the one hand, and, on the other, points in IN and TN.

MC 157457 (Sub-7), filed December 30, 1982. Applicant: CONGOLEUM CARTAGE CORP., 2323 So. 17th St., Elkhart, IN 46514. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge, #832, Portage, WI 53901, (608) 742-3579. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 158357 (Sub-1), filed December 28, 1982. Applicant: LEONARD ZERNONE, d.b.a. MEKIMLEN TRUCKING COMPANY, 1028 So. Walnut, Arlington Heights., IL 60005. Representative: Anthony E. Young, 29 So. LaSalle St., Suite 350, Chicago, IL 60603, (312) 782-8880. Transporting *paper and paper products, plastic and plastic articles*, between Chicago, IL, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, OH, NE, WI, KS, ND and SD.

MC 163417, filed December 30, 1982. Applicant: MELVIN W. CRAFT, R.D. #1, Frenchville, PA 16836. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375, (212) 2632078. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Don Dine, Inc. of Allport, PA and Johnson & Morgan Contractors of Snow Shoe, PA.

MC 165087, filed January 3, 1983. Applicant: BREWER TRANSPORT COMPANY, INC., 5221 Railroad Ave., Palmetto, LA 71358. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *building materials*, between points in AR, LA, MS and TX.

MC 165426, filed December 30, 1982. Applicant: LINDSAY TRANSPORT, INC., 410 Lock St., Dade City, FL 33525. Representative: Clayton R. Byrd, 2870 Briarglen Dr., Doraville, GA 30340, (404) 491-1696. Transporting (1) (a) *food and related products*, (b) *food dispensing machines*, and (c) *such commodities* as are used in the operation of motor lodges, restaurants, and their manufacturing facilities, between Atlanta, GA, Chicago, IL, Baltimore, MD, New York, NY, and Dallas, TX, those points in Norfolk and Plymouth Counties, MA, Cuyahoga County, OH, and Bedford County, PA, and points in FL, on the one hand, and, on the other, points in the U.S. (except AK and HI); (2) *textile mill products, chemicals and related products* and *pulp, paper and related products*, between points in GA, NC and SC, on the one hand, and, on the other, points in AZ, CA, CO, ID, NV, NM, OR, TX, UT, WA, and WY; (3) *metal products*, between points in Marion County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (4) *rubber and plastic products*, between those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

MC 165436, filed December 27, 1982. Applicant: CON-WAY WESTERN EXPRESS, INC., 3240 Hillview Ave., Palo Alto, CA 94303. Representative: Robert M. Bowden, P.O. Box 3062, Portland, OR 97208, (503) 226-4692. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, and NV.

MC 165467, filed January 4, 1983. Applicant: FORWARDERS TRANSFER, INC., 1620 SE Water St., Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OR, WA, ID and CA.

For the following, please direct status inquiries to Team 5 at 202-275-7289.

Volume No. OP5-007

Decided: January 11, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF 429 (Sub-1), filed December 27, 1982. Applicant: ALLIED FREIGHT FORWARDING, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60690, 312-681-8378. As a freight forwarder in connection with the transportation of *household goods*, between points in the U.S.

MC 72069 (Sub-46), filed December 29, 1982. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, DC 20005, 202-296-3555. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 102679 (Sub-8), filed December 30, 1982. Applicant: COLLINS MOVING SYSTEMS, INC., 904 West Morgan St., Kokomo, IN 46901. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with (a) Triangle Pacific Corp., of Dallas TX, and (b) Syndicate Sales, Inc., of Kokomo, IN.

MC 142239 (Sub-12), filed December 28, 1982. Applicant: NEBRASKA COAST, INC., 3125 South 11th St., Council Bluffs, IA 51501. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114, 402-397-9900. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 144008 (Sub-6), filed December 28, 1982. Applicant: STORE TRANSFER & DELIVERY SERVICE, INC., 12 Ferris Lane, Poughkeepsie, NY 12601. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239-4610. Transporting *such commodities* as are dealt in by retail department stores, between points in the U.S. (except AK and HI).

Note.—This application seeks to convert its contract authority to common carrier authority.

MC 144599 (Sub-10), filed December 28, 1982. Applicant: TRANSFER, INC., 4750 Kentucky Avenue, Indianapolis, IN 46241. Representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, 317–635–2339. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., (except AK and HI), under continuing contract(s) with Trans-City Terminal Warehouse, Inc., of Indianapolis, IN.

MC 163979, filed January 3, 1982. Applicant: NIGHTINGALE EXPRESS, INC., 51 Fulton St., Poughkeepsie, NY 12601. Representative: Sam M. Robertucci (same address as applicant), 914–452–4095. Transporting *food and related products*, between Poughkeepsie, NY, and points in Orange County, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with EFCO Products, Inc., and Bridge City Distributors, Inc., both of Poughkeepsie, NY, and Wayne Beverage, Inc., of Chester, NY.

MC 165369, filed December 29, 1982. Applicant: PAPER-PAK PRODUCTS, INC., 1941 White Avenue, La Verne, CA 91750. Representative: W. G. Hopkins (same address as applicant), 714–596–1961. Transporting *pulp, paper and related products*, between AZ, OK and OR, on the one hand, and, on the other, points in CA, under continuing contract(s) with Orchids Paper Products Concel, Inc., of La Palma, CA.

MC 165418, filed December 30, 1982. Applicant: RATE TRANSPORT CO., INC., 12 Voorhis Pl., Pompton Plains, NJ 07444. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, 212–263–2078. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between New York, NY, on the one hand, and, on the other, points in CT, IL, IN, MA, MI, NC, NH, NJ, NY, OH, PA, RI, SC, and VA.

MC 165449, filed January 3, 1983. Applicant: PENNSYLVANIA AND NEW YORK TRUCKING COMPANY, INC., 630 New County Rd., P.O. Box 2472, Secaucus, NJ 07094. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW, Washington, DC 20036, (202) 223–5900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, DE, MD, MA, ME, NH, NJ, NY, OH, PA, VT, RI, VA, WV, and DC.

MC 165468, filed December 30, 1982. Applicant: PE ELL FUEL AND TRANSFER, INC., 512 54th Avenue East, Tacoma, WA 98424. Representative: Jack R. Davis, 1200 IBM Building, Seattle, WA 98101, 206–624–7373. Transporting *construction materials*, between points in WA, OR, and ID. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirement of 49 U.S.C. 11343, (2) file an affidavit under 49 U.S.C. 11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of this filing to Team 5, Room 2414.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–1296 Filed 1–17–83; 8:45 am]

BILLING CODE 7035–01–M

[MC–F–15031]

McCoy Group, Inc.—Continuance in Control Exemption—McCoy of Wisconsin, Inc., d.b.a. Food Liner, Inc.

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), McCoy Group, Inc. (McCoy), and in turn, Robert L. McCoy, John R. McCoy, Robert S. McCoy, and R. Michael McCoy, who jointly control McCoy and who also control McMorhan Trucking, Co., Inc., GMC Motor Truck Service, Inc., and Korth Transfer, Inc., all of which are regulated motor carriers, seek an exemption from the requirement under section 11343 of prior regulatory approval for their continuance in control of McCoy of Wisconsin, Inc., d.b.a. Food Liner (No. MC–163711), a motor carrier.

DATE: Comments must be received within 30 days after the date of publication in the Federal Register.

ADDRESSES: Send comments to:

(1) Motor Section, Team 1, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative, Donald B. Levine, 180 North LaSalle Street, Suite 2210, Chicago, IL 60601.

Comments should refer to No. MC–F–15031.

FOR FURTHER INFORMATION CONTACT: Joyce D. Lannon, (202) 275–7992.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contracting 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 12, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–1299 Filed 1–17–83; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–43 (Sub-47)]

Illinois Central Gulf Railroad Co. Abandonment Between Milepost 0.0 at Cherokee, Iowa and Milepost 96.47 at Sioux Falls, South Dakota, in Cherokee, O'Brien, Sioux, and Lyon Counties, Iowa, Rock County, Minnesota, and Minnehaha County, South Dakota; Findings

The Commission has issued a decision authorizing Illinois Central Gulf Railroad Company to abandon its 96.47-mile rail line between Cherokee, IA (milepost 0.0) and Sioux Falls, SD (milepost 96.47) in Cherokee, O'Brien, Sioux, and Lyon Counties, IA, Rock County, MN, and Minnehaha County, SD. The abandonment certificate will be issued within 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.35 (formerly 49 CFR 1121.38).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–1288 Filed 1–17–83; 8:45 am]

BILLING CODE 7035–01–M

[No. 38959[1]]

Johnsrud Transport, Inc., et al.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Seven motor contract carriers have each requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted in part.

DATES: Comments are due on February 2, 1983. The sought relief will become effective February 17, 1983, unless, in response to timely adverse comments filed, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Paul Grossman, (202) 275–7976,
or
Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The seven motor contract carriers identified in the appendix filed individual petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented and the relief sought by these petitions are substantially similar, we are consolidating them for notice purposes.

The petitioners hold a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. They argue, generally, that the tariff filing requirements represent an undue burden on their ability to compete effectively and to offer their shippers the immediate service often required. Petitioners assert that they are interested in avoiding unnecessary expenses which handicap their efforts to provide economical and efficient service. They also argue that the Motor Carrier Act of 1980 encourages the Commission to remove obstacles which keep contract carriers from realizing their full potential.

Numerous petitions, including those of Johnsrud Transport, RBC Transportation, Inc., Oneida—Columbus Express Company, Wegmans Express, Inc., and Clearfield Transportation Company, have requested exemptions for both existing and future contracts.

We see no reason to deny these carriers the savings to be realized from a tariff filing exemption for existing contracts. It appears that exemption of these carriers from the requirement that they file tariffs covering their existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

We are unable to conclude, however, that an exemption is justified for future contracts and services. Because the scope and terms of possible future contracts are unknown, an exemption as to future contracts could only be based on general findings about the continued need for any contract filing requirements for any motor contract carrier. A proceeding to investigate this issue on an industry-wide basis has been instituted in Ex Parte No. MC–165, *Exemption of Contract Carriers from Tariff Filing Requirements* 47 FR 57303 (December 23, 1982). Under these circumstances, we do not find that exemption of future contracts is consistent with the public interest or the transportation policy of 49 U.S.C. 10101. See No. 38879, *Aero Mayflower Transit Company, Inc.—Petition for Exemption From Tariff Filing Requirements* (not printed), decided October 12, 1982.

With the exception noted above, we provisionally grant the sought relief. The sought relief will become effective February 17, 1983, unless, in response to timely adverse comments filed, the Commission issues a further decision withdrawing this relief.

This decision does not appear to have a significant effect on either the human environment or conservation of energy sources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b), and 10762(f))

Decided: January 4, 1983.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison. Commissioner Sterrett would also grant relief for future contracts.

Agatha L. Mergenovich,
Secretary.

Appendix

The dockets embraced by this proceeding are as follows:

No. 38959 Johnsrud Transport, Inc.
No. 38960 Case Heavy Hauling, Inc.
No. 38962 RBC Transportation, Inc.
No. 38963 Oneida-Columbus Express Company
No. 38964 Wegmans Express, Inc.
No. 38978 Harco Trucking Corporation
No. 38979 Clearfield Transportation Co.

[FR Doc. 83-1292 Filed 1-17-83; 8:45 am]
BILLING CODE 7035-01-M

[1] This proceeding embraces seven petitions for exemption. See Appendix.

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. RMI Company, et al.; Proposed Final Judgment, and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS) have been filed as to Martin Marietta Aluminum Inc., ("MMA") with the United States District Court for the Western District of Pennsylvania in *United States of America* v. *RMI Company, et al.*, Civil Action No. 78–1108. The complaint in this case originally alleged that five companies engaged in a combination and conspiracy to fix prices of titanium mill products in the United States in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. On July 29, 1980, the Court entered a consent judgment terminating the action as to all defendants except MMA, which had declined to join in that settlement. These other defendants were RMI Company, Crucible, Inc.; Lawrence Aviation Industries, Inc.; and Titanium Metals Corporation of America. On August 19, 1980, the Court granted a motion by MMA for partial summary judgment; the order dismissed the complaint insofar as it alleged violations by MMA related to titanium plate, sheet and strip, and to activities occurring prior to December, 1973. The United States appealed from that order, but the appeal was dismissed as not ripe. On June 8, 1982, the Court certified the partial summary judgment order as final under Rule 54(b) of the Federal Rules of Civil Procedure. An appeal from that order by the United States was pending when the settlement

agreement between MMA and the Government was reached.

The proposed Judgment which is similar to the one entered into by the other defendents, enjoins MMA from entering into or maintaining any combination, conspiracy, agreement, understanding or concert of action with any other person to fix the prices or other conditions or terms of sale of titanium bar and billet, or to submit collusive bids for such products. The Judgment further enjoins the defendant from directly communicating or exchanging with any other manufacturer or seller of bar and billet, products, or any association formed of or by such persons, information concerning prices or terms and conditions of sale of such products. An exception is made for *bona fide* conversion or sales transactions. The defendant is required to establish an antitrust compliance program which must include group and individual meetings with employees for the purpose of explaining the requirements of the antitrust laws and the Judgment and discussing problems related to compliance. Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to John Clark, Chief, Special Trial Section, Room 9120 Star Building, Antitrust Division, Department of Justice, Washington, D.C. 20530 (telephone (202) 724-6335).

Joseph H. Widmar,

Director of Operations.

United States District Court for the Western District of Pennsylvania

United States of America, Plaintiff, v. RMI Company; Crucible, Inc.; Lawrence Aviation Industries, Inc.; Martin Marietta Aluminum, Inc.; and Titanium Metals Corporation of America, Defendants. Civil Action No. 78-1108; Filed: January 3, 1983.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated:

For the Plaintiff:

William F. Baxter,

Assistant Attorney General.

Joseph H. Widmar,

John W. Clark,

Frank N. Bentkover,

Attorneys, Department of Justice.

Robert W. Wilder,

Patricia G. Chick,

Thomas C. Black,

Christine A. Wardell,

Molly L. Debusschere,

Attorneys, Department of Justice, Antitrust Division, Washington, D.C. 20530, Tel. (202)724-6336.

For the defendant:

Bruce Chadwick,

Counsel for Martin Marietta Aluminum, Inc.

United States District Court for the Western District of Pennsylvania

United States of America, Plaintiff, v. RMI Company; Crucible, Inc.; Lawrence Aviation Industries, Inc.; Martin Marietta Aluminum, Inc.; and Titanium Metals Corporation of America, Defendants. Civil Action No. 87-1108; Filed: January 3, 1983.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on September 28, 1978, and the District Court by orders of August 19, 1980 and June 8, 1982 having dismissed that Complaint insofar as it alleges violations related (1) to titanium plate, sheet and strip, and (2) to activities occurring prior to December, 1973, and plaintiff and defendant Martin Marietta Aluminum, Inc. [hereinafter referred to as "defendant"], by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or any admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby,

Ordered, Adjudged, and Decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. 1). There is no just reason to delay the entry of this judgment.

II

As used herein:

(A) The term "titanium mill products" means titanium bar and billet;

(B) The term "person" means any individual, partnership, corporation, firm, association or other business or legal entity; and

(C) Ther term "conversion" means the contracting by a manufacturer of titanium mill products with another person for all or part of the intermediate manufacturing of titanium or titanium mill products to which it holds title.

III

This Final Judgment applies to the defendant and to its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise; *Provided, however,* That this Final Judgment shall not apply to lawful transactions or communications solely between defendant and its owners, officers, directors, employees, or agents, or to transactions or communications solely between or among defendant and its parent company or companies, subsidiaries or companies fifty percent (50%) or more owned by the defendant or its parent(s), or to activities outside the United States which do not substantially affect, directly or indirectly, the commerce of the United States.

IV

The defendant is hereby enjoined and restrained from: (A) Directly or indirectly entering into, adhering to, maintaining, enforcing or furthering, or attempting to enter into, adhere to, maintain, enforce or further, any combination, conspiracy, agreement, understanding or concert of action with any other person to:

(i) Raise, fix, maintain or stabilize prices, discounts or other terms or conditions for the sale of titanium mill products; or

(ii) Submit noncompetitive, collusive or rigged quotations or bids for titanium mill products.

(B) directly communicating to or exchanging with any other person engaged in the manufacture and/or sale of titanium mill products, or any association or other body comprised of or organized by such persons, information concerning the prices at which, or terms or conditions upon which, such products are or have been sold or offered for sale, or may be sold or offered for sale in the future; except that this Paragraph IV(B) shall not preclude the communication or exchange between defendant and any other person, of any prices, terms or conditions of sale of such products solely in connection with conversion or a proposed or actual bona fide sale of such products or to any agreement to the prices, terms or conditions at which any such bona fide sale is actually made.

V

Any party that purchases or otherwise acquires all or substantially all of the assets used by defendant in the manufacture and/or sale of titanium, shall be required by defendant, as a condition of the sale or other disposition, to agree to be bound by the provisions of this Final Judgment, and such agreement shall be filed with the Court.

VI

Defendant shall:

(A) Within sixty (60) days after the entry of this Final Judgment, furnish a copy of same to each of its officers and directors, and to each employee and agent who is engaged in, or has responsibility for or authority over the pricing or selling of titanium mill products produced or sold in the United States.

(B) Furnish a copy of this Final Judgment to each successor to the individuals described in Paragraph VI(A), above, within 60 days after such successor becomes employed by or associated with the defendant.

VII

For the duration of this Final Judgment, defendant shall maintain a program to insure compliance with same, including at a minimum the following with respect to each of its directors, each of its officers who has management responsibility for the manufacture, pricing or sale of titanium mill products produced or sold in the United States, and each of its employees and agents who is engaged in the sale of or who has responsibility for or authority over pricing of titanium mill products produced or sold in the United States:

(A) The annual distribution of this Final Judgment.

(B) The annual submission to each of the individuals of a written directive setting forth the defendant's policy regarding compliance with the Sherman Act and with this Final Judgment, with such directive to include (a) an admonition that non-compliance with such policy and this Final Judgment will result in appropriate disciplinary action as determined by the defendant, which may include dismissal, and (b) advice that the defendant's legal advisors are available at all reasonable times to confer with such persons regarding any compliance questions or problems.

(C) The annual receipt from the individuals described of a signed certificate in substantially the following form:

"The undersigned hereby: (1) acknowledges receipt of a copy of the Final Judgment in *U.S.* v. *RMI Company, et al.*, and a written directive setting forth the Company policy regarding compliance with the antitrust laws and with such Final Judgment; (2) represents that the undersigned has read and understands such Final Judgment and directive; (3) acknowledges that the undersigned has been advised and understands that non-compliance with such policy and Final Judgment will result in appropriate disciplinary measures as determined by the Company and which may include dismissal; and (4) acknowledges that the undersigned has been advised and understands that non-compliance with the Final Judgment may result in conviction for contempt of court, and that violation of the antitrust laws may constitute a felony and could result in imprisonment and/or fine."

(D) The holding of at least one meeting every 12 months with each of the persons covered by this Paragraph VII, either in groups or individually, to review the requirements of the antitrust laws and the terms of this Final Judgment, and the obligations imposed upon them.

(E) The holding of at least one meeting every 12 months with each of the persons individually (except directors, for whom a group meeting may be held) to discuss problems related to compliance with the antitrust laws and this Final Judgment.

VIII

(A) For the duration of this Final Judgment, defendant shall file with the plaintiff, on or before each anniversary date of this Final Judgment, a sworn statement, by a responsible official designated by the defendant to perform such duties, setting forth all steps it has taken during the preceding year to discharge its obligations under Sections VI and VII. This statement shall be accompanied by copies of all written directives applicable to titanium operations issued by the defendant during the prior year with respect to compliance with the antitrust laws and with this Final Judgment. The sworn statement shall also contain a list of all those individuals in the company with whom meetings were held in accordance with paragraph VII(E) and a description of their respective positions and duties.

(B) Upon Order of the Court, on motion by the plaintiff for good cause shown, the designated official shall appear before the Court to give sworn testimony on the manner of compliance with this Final Judgment.

(C) The plaintiff may demand a more detailed statement of defendant's compliance with this Final Judgment if plaintiff determines that defendant's annual compliance statement incompletely states the steps it has taken to discharge its duties under this Section VIII.

IX

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its principal office, be permitted:

(1) Access during office hours of defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers, employees and agents of defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, made to defendant's principal office, defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section IX shall be divulged by any

representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by defendant to plaintiff, defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days' notice shall be given by plaintiff to defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which defendant is not a party.

X

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XI

This Final Judgment shall be in effect for a period of ten (10) years from the date of its entry by this Court.

XII

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge

United States District Court for the Western District of Pennsylvania

United States of America, Plaintiff, v. RMI Company; Crucible, Inc.; Lawrence Aviation Industries, Inc.; Martin Marietta Aluminum, Inc.; and Titanium Metals Corporation of America, Defendants. Civil Action No. 78-1108; Filed: January 3, 1983.

Competitive Impact Statement

The United States of America, Plaintiff herein, has this day submitted a proposal for a consent judgment in this proceeding. The proposed Final Judgment, if entered by the Court, would terminate this action as to the only remaining defendant, Martin Marietta Aluminum, Inc. ("MMA"). Plaintiff hereby respectfully submits this Competitive Impact Statement pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16.

I

Nature and Purpose of the Proceeding

This is a civil antitrust action brought under Section 4 of the Sherman Act (15 U.S.C. § 4) to prevent and restrain violation of Section 1 of said Act. Originally named as defendants were five companies engaged in the production and sale of titanium mill products.

As originally framed, the Complaint alleged that, beginning at least as early as 1970 and continuing until approximately 1976, the defendants and their co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce, in violation of § 1 of the Sherman Act. This combination and conspiracy consisted of a continuing agreement, understanding and concert of action, the substantial terms of which were to raise, fix, maintain and stabilize the prices of titanium mill products. The Complaint also alleged that the combination and conspiracy charged may recur, and asked the Court to permanently enjoin each defendant and all persons acting on its behalf from continuing, maintaining or renewing the alledged combination and conspiracy or from engaging in any other combination or conspiracy with a similar purpose or effect.

On July 29, 1980, this Court entered a consent judgment terminating the action as to all defendants except MMA, which had declined to join in that settlement. On August 19, 1980, the Court granted a motion by MMA for partial summary judgment; the order dismissed the Complaint insofar as it alleged price fixing by MMA on sheet, strip or plate, or activities occurring prior to December, 1973. The United States appealed from that order, but the appeal was dismissed as not ripe. On June 8, 1982, the Court certified the partial summary judgment order as final under Rule 54(b) of the Federal Rules of Civil Procedure. An appeal from that order by the United States was pending when the settlement agreement between MMA and the Government was reached.

The Complaint was filed on September 28, 1978. The same day a Grand Jury for the Western District of Pennsylvania returned an indictment charging four of the defendants herein (RMI Company, Crucible, Inc., Lawrence Aviation Industries and Martin Marietta Aluminum, Inc.) and five of their employees (J. William Price, Jr., Andrew N. Eshman, Robert E. Thomas, Gerald Cohen and George Herman) with a felony violation of § 1 of the Sherman Act, 15 U.S.C. 1, based on the same facts that gave rise to this action. This indictment named Titanium Metals Corporation of America ("TMCA") and certain of its employees as unindicted co-conspirators. One defendant entered a plea of guilty and was sentenced before trial. Six defendants entered pleas of *nolo contendere* before trial [1] and were sentenced thereon. The remaining two defendants entered pleas of *nolo contendere* after three days of trial. The court sentenced the individual defendants to a total of 15 years imprisonment, of which all but 195 days was suspended. Fines for all corporate and individual defendants totalled $1,242,500.

The Nature of the Alleged Violation

Titanium is a silvery-gray semiprecious metal used predominantly in aircraft and aerospace applications. The titanium is extracted from ore and converted into a material called sponge. This sponge is then melted to form ingots, which in turn are made into mill products—bar, billet, plate, sheet and strip. It is these mill products that were alleged to have been the object of the price-fixing conspiracy charged. The mill product producers orginally named as defendants in the Complaint accounted for the great majority of all titanium mill products produced during the period of the conspiracy.

The Government contended and would have been prepared to offer evidence at trial that representatives of TMCA, RMI, Lawrence Aviation, and Crucible began discussing and agreeing on prices for various titanium mill products in 1970, and continued this activity until 1976. The Government also contended and would have been prepared to offer evidence that in 1973 the conspiracy was joined by representatives of MMA, who also remained in the conspiracy until 1976. The primary focus of the conspiracy was on price lists issued and/or used by the original defendants; in all, more than 100 price lists were subject to agreement among those companies. In addition,

[1] Two defendants—MMA and its employee defendant, George Herman—pled to a superseding felony information as part of a Rule 11 plea agreement with the Government. As to them a motion for severance was granted and thereafter the indictment was dismissed.

TMCA and RMI on one occasion reached agreement on prices they would submit in response to a request for a sealed bid.

The original defendants had telephone conversations and face-to-face meetings and exchanged price lists through the mails. There were no group sessions, however. All contacts were one-on-one, involving representatives of only two companies. Some people involved had no contact with some others of their co-conspirators. Moreover, the only company involved in every price list agreement was TMCA: none of the other companies made all the mill products that were the subject of agreement. For example, MMA made only bar and billet.

MMA contended that the Government could not prove that MMA was involved in a single conspiracy with all defendants covering all titanium mill products. As noted above, pursuant to a motion for partial summary judgment by MMA, the Court dismissed the Complaint insofar as it alleged price fixing by MMA on sheet, strip or plate, or activities occurring prior to December, 1973. An appeal by the Government from that order, as certified under Rule 54(b) of the Federal Rules of Civil Procedure, was pending when the settlement agreement between MMA and the Government was reached.

The conspiracy ended in 1976. On November 2, 1976, TMCA approached the Department of Justice and confessed that certain of its employees had been engaged in fixing prices. The investigation leading to the filing of the indictment and complaint was begun on the basis of the information provided by TMCA.

Explanation of Proposed Consent Judgment

The proposed Final Judgment, if entered by the Court, will terminate this action as to the only remaining defendant, MMA [hereafter referred to as "defendant"]. The Court will retain jurisdiction over this matter for such further proceedings as may be required to interpret, modify or enforce the proposed judgment.

A. Scope of the Judgment

The proposed consent judgment is, by its terms, in effect for 10 years from the date of entry. Pursuant to Section III, the decree applies to defendant and to each of its officers, directors, agents, employees, subsidiaries, successors and assigns and to all other persons in active concert with any of them who receive actual notice of this Final Judgment. In addition, pursuant to Section V of the decree, the judgment will apply to any party that purchases or otherwise acquires all or substantially all of the assets used by defendant in the manufacture and/or sale of titanium. Excepted, however, are lawful transactions solely within the defendant company or among the defendant and certain related companies. Also excepted are activities outside the United States, its territories and possessions which do not directly or indirectly affect the commerce of the United States.

B. Prohibited Conduct

Section IV(A) of the proposed decree enjoins the defendant from entering into or otherwise participating in any agreement to fix prices or other terms or conditions of sale of titanium mill products, defined in the decree as titanium bar and billet, or to submit non-competitive bids for titanium mill products. Section IV(B) prohibits defendant from directly communicating to or exchanging with any other person engaged in the manufacture and/or sale of titanium any price or term or condition of sale. This section also prohibits defendant from communicating such information to any association or other body comprised of or organized by titanium mill product producers. Section IV(B) does contain a proviso, however, to the effect that these prohibitions shall not preclude the defendant from independently negotiating for, entering into or carrying out a bona fide sale or purchase. This exception was necessary because the titanium industry is one in which, historically, many companies that compete in the manufacture of mill products also maintain customer/supplier relationships with regard to intermediate manufacture, raw materials, and/or the mill products themselves.

C. Defendant's Affirmative Obligations

Sections VI and VII of the proposed decree impose certain affirmative obligations on defendant which are designed to ensure, to the extent possible, that its employees comply with the terms of the decree and with the strictures of the federal antitrust laws.

Section VI requires that the defendant furnish a copy of the decree to each of its officers and directors, and to each of its employees and agents who are engaged in, responsible for, or have authority over pricing or selling titanium mill products made or sold in the United States. Copies of the decree are also to be furnished to each of those individuals' successors.

Under Section VII, the defendant is required, for the duration of the proposed Final Judgment, to furnish a copy of the decree annually to each of its directors, each officer having management responsibility for manufacture, pricing or sale of titanium mill products and to each employee and agent engaged in or having responsibility for or authority over pricing or sale of titanium mill products. In addition, the defendant must each year submit to these individuals a written directive setting forth the company's policy of compliance with the Sherman Act and with this Final Judgment, meet in groups or individually with each of these persons to review the antitrust laws and terms of the Final Judgment, meet individually with each person to discuss problems related to compliance with the antitrust laws or the decree,[2] and receive from each of these individuals a signed certificate acknowledging that the individual has received and understands the decree and has been advised of the consequences of noncompliance. The defendant is also required to file each year with the United States a sworn statement setting forth all steps it has taken to discharge its obligations under this section of the decree and listing all individuals covered by the program.

D. Effect of the Proposed Judgment on Competition

The prohibitions contained in Section IV of the Judgment are designed to ensure that the defendant will act independently in determining the prices, terms and conditions at which it will sell or offer to sell titanium mill products. The affirmative obligations of Sections VI and VII are directed toward reminding the defendant's employees of their obligations under the decree in order to avoid a repetition of behavior that occurred in the titanium mill products industry during the conspiracy period. Compliance with the proposed Judgment will prevent price collusion by the defendant in the sale of titanium mill products.

E. Effect of the Proposed Judgment on the Government's Damage Claims

The Department of Defense and other parts of the United States Government are purchasers of aircraft and other items containing titanium mill products. On December 30, 1981, the United States brought an action in the Eastern District of New York seeking damages from all of the original defendants in this case, including MMA. The United States has reached an agreement with MMA terminating that action as to MMA only.

[2] An exception is made for directors, for whom a group meeting is permissible.

in exchange for a money payment to the U.S. The damage action continues against the other defendants. The United States' damage claims are therefore not compromised in any way by the entry of the Judgment.

IV

Remedies Available to Private Plaintiffs

Any potential private plaintiff who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable remedies that they would have had were the proposed consent judgment not entered. As to these plaintiffs, however, the statute of limitations, which has been tolled during the pendency of this action pursuant to 15 U.S.C. 16(i) will begin to run again (with regard to suits against the defendant) one year after entry of this Final Judgment. Moreover, pursuant to Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), this Judgment may not be used as *prima facie* evidence against the defendant in private litigation.

V

Procedure Available for Modification of the Proposed Consent Judgment

The proposed Final Judgment is subject to a stipulation between the Government and the defendant which provides that the Government may withdraw its consent to the proposed Judgment any time before the Court has found that entry of the proposed Judgment is in the public interest. By its terms, the proposed Judgment provides for the Court's retention of jurisdiction of this action in order to permit any of the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the Final Judgment.

As provided by the Antitrust Procedures and Penalties Act (15 U.S.C. 16), any person wishing to comment upon the proposed Judgment may, with the 60-day comment period, submit written comments to the United States Department of Justice, Attention: John W. Clark, Chief, Special Trial Section, Antitrust Division, Washington, D.C. 20530. Such comments and the Government's response to them will be filed with the Court and published in the Federal Register. The Government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed Judgment.

VI

Alternatives to the Proposed Consent Judgment

This proceeding as constituted does not involve any unusual or novel issues of fact or law which might make litigation a more desirable alternative than entry of the proposed consent judgment. The proposed judgment includes all the relief requested in the Complaint, as limited by the Court's August 19, 1980 order, and in addition imposes affirmative obligations on defendant designed to ensure compliance therewith.

VII

Determinative Documents

No materials and documents of the type described in Section (b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)) were considered in formulating this proposed Judgment.

Respectfully submitted,

Robert W. Wilder,

Patricia G. Chick,

Thomas C. Black,

Christine A. Wardell,

Molly L. Debusschere,

Attorneys, Department of Justice.

[FR Doc. 83-1284 Filed 1-17-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: February 1, 1983, 9:30 a.m., Rm. N3437 A & B Frances Perkins, Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisiory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Joseph S. Papovich, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6171.

Signed at Washington, D.C. this 12th day of January, 1983.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 83-1360 Filed 1-17-83; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 10th day of January 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Dated received	Date of petition	Petition No.	Articles produced
Character Suburbanwear, Inc. (ILGWU)	New York, NY	1/4/83	12/13/82	TA-W-14,198	Suits, outerwear—women and misses.
Colorado & Wyoming Railway Co., Northern Div. (Brotherhood of Maintenance of Way).	Sunrise, WY	12/27/82	12/17/82	TA-W-14,199	Transports iron ore.
Colorado & Wyoming Railway Co., Southern Div. (Brotherhood of Maintenance of Way).	Allen Mine, CO	12/27/82	12/17/82	TA-W-14,200	Transport coal.
Grafton Apparel Manufacturing, Inc. (ILGWU)	Grafton, WV	12/16/82	12/7/82	TA-W-14,201	Pants—ladies.
Leemar Corp. (ILGWU)	Camden, NJ	12/21/82	12/14/82	TA-W-14,202	Dresses, sportswear—ladies.
Leemar Corp., (ILGWU)	Mantua, NJ	12/21/82	12/14/82	TA-W-14,203	Dresses and sportswear—ladies.
Lesney Products Corp. (workers)	Moonachie, NJ	1/4/83	12/27/82	TA-W-14,204	Vehicles—box, match, cast die.
Mercer Dress, Inc. (ILGWU)	Burgin, KY	12/20/82	12/14/82	TA-W-14,205	Dresses and sportswear—ladies.
T & W Manufacturing Corp. (workers)	Santa Rosa, CA	12/21/82	11/21/82	TA-W-14,206	Heads, cylinders, aluminum.
Wellco Enterprises, Inc. (company)	Hazelwood, NC	1/4/83	12/31/82	TA-W-14,207	Office-administration footwear-men, women and children.
Wheeling Pittsburgh Steel, Monessen Works (USWA)	Monessen, PA	1/5/83	1/4/83	TA-W-14,208	Slabs, rounds, billets and rails.
Allen Court Contractors, Ltd (workers)	Lindenhurst, NY	12/23/82	12/9/82	TA-W-14,209	Coats—ladies.
Armco Tubular Div. of National Supply (Armco Independent Union).	Logan, OH	12/28/82	12/21/82	TA-W-14,210	Tubes—infinishing and distribution.
Edgcomb Metals (workers)	Philadelphia, PA	12/30/82	12/21/82	TA-W-14,211	Steel processing.
General Barite Co. (workers)	Cadet, Mo	1/3/83	12/29/82	TA-W-14,212	Barite.
MO-KA Shoe Corp. (company)	Aguadilla, PR	1/4/83	12/31/82	TA-W-14,213	Uppers—shoes, shoes—men, women, children.
North American Refractories (USWA)	Bonne Terre, MO	12/30/82	12/17/82	TA-W-14,214	Dolomite—burned, dead.
Plumrose (company)	Elkhart IN	1/4/83	12/27/82	TA-W-14,215	Ham—can, boneing, cooking, boxing.
RCA Corp., Commercial Communication Systems Div. (company).	Camden, NJ	1/4/83	12/30/82	TA-W-14,216	Equipment, systems—electeonic.
RCA Corp. (workers)	Monticello, IN	12/30/82	12/22/82	TA-W-14,217	Caminents—TV, console.
Riverside Cement Co. (United Cement Lime and Gypsum Wkrs.).	Riverside, CA	1/3/83	12/24/82	TA-W-14,218	Cement,—type II, plastic, white.
RO-Search, Inc. (company)	Hazelwood, NC	1/4/83	12/31/82	TA-W-14,219	Machinery—footwear, making.
U.S. Steel Corp., Christy Park Plant (USWA)	McKeesport, PA	1/5/83	1/4/83	TA-W-14,220	Pipe and tubing, forged, roll, seamless.

[FR Doc. 83-1105 Filed 1-17-83; 8:45 am]

BILING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

Grant of Individual Exemptions

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications hae been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have compiled with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

The Metropolitan Mortgage and Securities Co., Inc., Spokane, Washington

[Exemption Application No. D-2791; Prohibited Transaction Exemption 83-5]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply effective July 12, 1977 to the purchase by certain self-employed retirement plans and individual retirement accounts (collectively, the Plans) or Plans established under a prototype custodial account program (the Custodial Accounts) of debt securities (the Debentures) issued by Metropolitan Mortgage and Securities Co., Inc. (Metropolitan) and to the extension of credit between Metropolitan and the Plans or Custodial Accounts resulting from the purchase of the Debentures provided that the following conditions are met with respect to the purchase of the Debenutres:

(1) The purchase price paid for the Debentures does not exceed the fair market value at the time of acquisition; and

(2) Effective October 24, 1982 the exemption is available only if each of the following conditions is satisfied in addition to the condition described in section (1) of this exemption:

(a) The independent sales representatives (the Sales Representatives) have disclosed in writing the nature of their relationship to Metropolitan and Metropolitan Investment Securities, Inc. (Investment) and that they are not acting as an investment advisor or other fiduciary with regard to investment decisions of the Plans or Custodial Accounts. Such disclosure also states that all decisions with respect to the purchase of the Debentures are the sole responsibility of the individual buyers as a fiduciary for their respective Plan or Custodial Account; and

(b) Following receipt of the information required to be disclosed and prior to the execution of the transaction, a plan fiduciary unrelated to Metropolitan, Investment or the Sales Representatives acknowledges in writing receipt of the information described in subsection (a) of this exemption and approves the transation on behalf of the Plan or Custodial Account.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 24, 1982 at 47 FR 42207.

Written Comments

Three comments were received by the Department from individuals maintaining retirement accounts with the applicant. All comments supported the granting of this exemption. Additionally, the applicant requested a clarification of one condition of the exemption where the Custodial Accounts involved were maintained by employees of Metropolitan or its subsidiaries. The condition described in section 2(b) of the notice of proposed exemption requires a plan fiduciary "unrelated" to Metropolitan, Investment or the Sales Representatives to acknowledge receipt of the information described in section 2(a) of such notice and to approve the transaction. It is not the intention of the Department that those individuals maintaining a Plan or Custodial Account who are related to Metropolitan, Investment or the Sales Representatives based on an employment relationship should be required to obtain approval for transactions which are the subject of this exemption from an unrelated third party. Where the approval is made by an individual on behalf of his own account, the safeguards intended by this condition would be deemed satisfied notwithstanding the noted relationship. Therefore, the Department has determined to grant this exemption as originally proposed.

For Further Information Contact: Paul R. Antsen of the Department, telephone (202) 523-6915. (This is not a toll-free number.)

The V.P.S. Brokerage Co. Profit Sharing Plan and Trust and the V.P.S. Brokerage Co. Money Purchase Pension Plan and Trust (the Plans), Watsonville, California

[Exemption Application Nos. D-3456 and D-3457; Prohibited Transaction Exemption 83-6]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the line of credit provided by Wells Fargo Bank, National Association to the Plans as described in the notice of pendency provided that the terms and conditions of the line of credit are at least as favorable to the Plans as those they could obtain from an unrelated third party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 3, 1982 at 47 FR 39030.

For Further Information Contact: Robert N. Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

Employees Welfare Benefit Plans Maintained by Borg-Warner Acceptance Corporation, Borg-Warner Corporation and Subsidiaries of Borg-Warner Corporation (the Plans), Chicago, Illinois

[Exemption Application No. L-3486; Prohibited Transaction Exemption 83-7]

Exemption

The restrictions of section 406(a) and 406(b) of the Act shall not apply to the reinsurance of the risks and receipt of premiums therefrom by Arcadia Life Insurance Company (Arcadia), a party in interest with respect to the Plans, from the group health insurance contracts sold by the Equitable Life Assurance Society of the United States to the divisions and subsidiaries of Borg-Warner Corporation (the Employers), subject to the following conditions:

(a) Arcadia,

(1) Is a party in interest with respect to the Plans by reason of a stock or partnership affiliation with Borg-Warner Corporation and the Employers that is described in section 3(14)(E) or (G) of the Act,

(2) Is licensed to sell insurance in at least one of the United States or in the District of Columbia,

(3) Has obtained a Certificate of Compliance from the Insurance Commissioner of its domiciliary state, Arizona, which has neither been revoked nor suspended, and

(4)(A) Has undergone an examination by an independent certified public accountant for its last completed taxable year immediately prior to the taxable year of the reinsurance transaction; or

(B) Effective January 1, 1982, has undergone a financial examination (within the meaning of the law of its domiciliary state, Arizona) by the Insurance Commissioner of Arizona within 5 years prior to the end of the year preceding the year in which the reinsurance transaction occurred.

(b) The Plans pay no more than adequate consideration for the insurance contracts or annuities;

(c) No commissions are paid with respect to the direct sale of such contracts, or the reinsurance thereof, after December 31, 1981; and

(d) For taxable years of Arcadia beginning after December 31, 1981, the gross premiums and annuity considerations received in the taxable year by Arcadia for life and health insurance or annuity contracts for all plans (and their employers) with respect to which Arcadia is a party in interest by reason of a relationship to such employer described in section 3(14) (E) or (G) of the Act do not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance in that taxable year by Arcadia. For purposes of this condition (d):

(1) The term "gross premiums and annuity considerations received" means the total of premiums and annuity considerations received, both for the subject reinsurance transactions as well as for any direct sale of life insurance, health insurance, or annuity contracts to such plans (and their employers) by Arcadia. This total is to be reduced (in both the numerator and denominator of the fraction) by experience refunds paid or credited in that taxable year by Arcadia.

(2) All premiums and annuity considerations written by Arcadia for plans which it alone maintains are to be excluded from both the numerator and denominator of the fraction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 13, 1982 at 47 FR 35373.

Effective Dates: January 1, 1975, as to transactions exempted; January 1, 1982 as to the conditions: (a) Barring commissions on sales of contracts, (b) limiting the percentage of all covered premium receipts derived from the Plans and their Employers, and (c) requiring a financial examination of Arcadia by the Insurance Commissioner of Arizona.

For Further Information Contact: Louis Compagna of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

Employees Pension and Investment Plan of L. J. Ley, M.D., Inc. Medical Corporation and the Employees Pension and Investment Plan of K. M. Burge, M.D., Inc. Medical Corporation (the Plans), Richmond, Indiana

[Exemption Application Nos. D-3494 and D-3495; Prohibited Transaction Exemption 83-8]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale by the Plans of improved real property located at 2035 Surfside, Vero Beach, Florida (the Property) to Drs. L. J. Ley and K. M. Burge, provided that the terms and conditions of sale are at least as favorable to the Plans as those obtainable in an arm's length transaction with an unrelated party at the time of consummation of the transaction, and further provided that the cash payment received by the Plans is no less than the Plans' cash expenditures in connection with the Property through the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 30, 1982 at 47 FR 53964.

For Further Information Contract: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Seafirst Mortgage Corporation (SMC), Seattle, Washington

[Exemption Application No. D-3508; Prohibited Transaction Exemption 83-9]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the use of assets of employee benefit plans with regard to which SMC or an affiliate of SMC is a party in interest for permanent loans to persons who will use the loan proceeds to pay off construction loans originated by SMC.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 8, 1982 at 47 FR 44641.

For Further Information Contact: Mr. Robert Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 13th day of January 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-1371 Filed 1-17-83; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of forms under review

One each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The Standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions.

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Norman Frumkin, Telphone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

- Employment and Training Administration

State Governors' Requests for Advance from the Federal Unemployment Account or Voluntary Repayment
ETA–RC52
Recurring
State or local Governments
SIC: 944
112 responses; 224 hours

When State unemployment funds become insolvent, money can be borrowed by the State from the Federal unemployment account. To trigger a loan, the Governor requests such advances by a letter to the Secretary of Labor. Voluntary repayment of loans is triggered by a letter from the Governor to the Secretary of Labor.

Signed at Washington, D.C. this 13th day of January 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-1389 Filed 1-17-83; 8:45 am]

BILLING CODE 4510-30-M

Business Research Advisory Council; Renewal

In accordance with the provisions of the Federal Advisory Committee Act and Office of Management and Budget Circular A–63 of March 1974, and after consultation with General Services Administration (GSA), I have determined that renewal of the Business Research Advisory Council is in the public interest in connection with the performance of duties imposed on the Department of Labor.

The Council will advise the Commissioner of Labor Statistics on technical economic and statistical matters, in the analysis of the Bureau's statistics, and on the broader aspects of its program from an informed business point of view; and provide a realistic and timely two-way communications' structure between business users and reporters of basic economic statistics and a major governmental statistics-producing unit.

Council membership is selected to assure a technically competent group of economists, statisticians, and industrial relations experts who represent a cross section of American business and industry. The members serve in their individual capacities, not as representatives of their companies or their organizations.

The Council will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. The charter has been filed with the GSA and the appropriate congressional committees.

Further information may be obtained from: Kenneth Van Auken, Executive Secretary, Bureau of Labor Statistics, Department of Labor, Room 1213, BC Building, 600 E Street, NW., Washington, D.C. 20212, phone 202–272–5241.

Dated: January 5, 1983.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 83-1387 Filed 1-17-83; 8:45 am]

BILLING CODE 4510-24-M

Labor Research Advisory Council; Renewal

In accordance with the provisions of the Federal Advisory Committee Act and Office of Management and Budget Circular A–63 of March 1974, and after consultation with General Services Administration (GSA), I have determined that renewal of the Labor Research Advisory Council is in the public interest in connection with the performance of duties imposed on the Department of Labor.

The Council will advise the Commissioner of Labor Statistics regarding the statistical and analytical work of the Bureau of Labor Statistics, providing perspectives on these programs in relation to the needs of the labor unions and their members.

Council membership and participation in the Council and its committees are broadly representative of the union organizations in the United States. These include representation from organizations of all sizes of membership, with national coverage which reflects the geographical, industrial, and occupational sectors of the economy.

The Council will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. The charter has been filed with the GSA and the appropriate congressional committees.

Further information may be obtained from: Joseph Goldberg, Executive Secretary, Bureau of Labor Statistics, Department of Labor, Room 1213, BC Building, 600 E Street, N.W., Washington, D.C. 20212, phone 202–272–5239.

Dated: January 5, 1983.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 83-1386 Filed 1-17-83; 8:45 am]

BILLING CODE 4510-24-M

MERIT SYSTEMS PROTECTION BOARD

Air Traffic Controllers, Former; Appeals

AGENCY: Merit Systems Protection Board.

ACTION: Notice of opportunity to file amicus briefs in certain appeals of former Air Traffic Controllers.

SUMMARY: The Merit Systems Protection Board provides an opportunity for the filing of amicus briefs from interested parties in certain appeals of former Air Traffic Controllers currently pending before the Board.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Goshorn, Special Presiding Official, Former Air Traffic Controller Appeals, Merit Systems Protection Board, (202) 653–7171. For copies of the Initial Decisions in the reference cases, contact Michael Hoxie, Director, Legal Publications Division, Merit Systems Protection Board, 5205 Leesburg Pike, Suite 1404, Falls Church, Virginia 22041, (703) 756–6388.

SUPPLEMENTARY INFORMATION: The Merit Systems Protection Board currently has before it numerous petitions for review of initial decisions issued by the Board's regional offices in appeals of former Air Traffic Controllers who were removed based on charges of participating in an unlawful strike in August of 1981. More than 10,000 such appeals are currently pending before the Board at some stage of the adjudicatory process.

Because the Board's adjudication of pending petitions for review will address issues of law common to large numbers of pending appeals, the Board believes it appropriate to provide an opportunity for the filing of amicus briefs addressing such common issues raised in certain cases currently pending before it. Those cases include the following:

Richard T. Adams, et al. v. *Federal Aviation Administration,* MSPB Docket No. NY075281F0424 (October 14, 1982).

Kipp C. Anderson, et al. v. *Federal Aviation Administration,* MSPB Docket No. SL075281F0347 (December 2, 1982).

Gary S. Baracco v. *Federal Aviation Administration,* MSPB Docket No. DC075281F0895 (November 22, 1982).

Robert L. Campbell, et al. v. *Federal Aviation Administration,* MSPB Docket No. DE075281F0674 (October 7, 1982).

Joseph R. Noa (Richard E. Golle, et al.) v. *Federal Aviation Administration,* MSPB Docket No. NY075281F0697 (NY075281F0560) (October 14, 1982).

This notice represents the Board's offer to receive and consider amicus briefs from interested parties on the issues relevant to these appeals including:

1. Whether the action of the Federal Aviation Administration ("FAA") in placing appellant(s) in a non-duty, non-pay status during the period of time

between commencement of the strike on August 3, 1981, and the effective date(s) of removal, constitutes "suspension(s)" over which the Board has appellate jurisdiction under 5 U.S.C. Chapter 75.

2. Whether the lawfulness of the removal of appellant(s) was affected by remarks made on national television by President Reagan at approximately 11:00 A.M. (E.D.T.) on Monday, August 3, 1981, and the instructions of FAA facilities by high officials of the Department of Transportation in implementing the policy enunciated by those remarks.

3. Whether the provision of less than seven days in which to respond to the charges against an appellant constitutes harmful procedural error under 5 U.S.C. 7701(c)(2)(A), and/or serves to render the FAA's decision in those cases not in accordance with law under 5 U.S.C. 7701(c)(2)(C).

4. Whether the FAA complied with 5 U.S.C. 7513(e) by making the requisite information available to appellant(s).

All briefs shall be captioned "*Former Air Traffic Controllers* v. *Federal Aviation Administration*, No. 48 FR 000 (1983)," and entitled "Amicus Brief." All briefs shall also contain separate, numbered headings for each issue discussed.

ADDRESSES: The original and one copy of each amicus brief submitted in response to this notice shall be filed with the Office of the Secretary of the Board and addressed as follows: Robert E. Taylor, Secretary, Merit Systems Protection Board, Attn: ATC Appeals, 1120 Vermont Avenue, NW., Washington, D.C. 20419.

In addition, one copy of each brief shall be mailed to the designated representatives in the above-listed appeals and addressed as follows:

Thomas A. Bornholdt, Esquire, Bornholdt, Landeck & Owens, College Hills Office Building, 8650 College Boulevard, Suite 100, Overland Park, Kansas 66210.

Jack B. Solerwitz, Esquire, Solerwitz, Solerwitz & Leeds, 170 Old Country Road, Mineola, New York 11501.

David Trick, c/o Richard J. Leighton, Esquire, Leighton, Conklin, Lemov, Jacobs & Buckley, 2033 M Street, N.W. Suite 808, Washington, D.C. 20036.

Rex B. Campbell, 1325 Mt. Evans Drive, Longmont, Colorado 80501.

Robert M. Archer, Esquire, Suozzi, English & Cianciulli, P.C., 1505 Kellum Place, Mineola, New York 11501.

DATES: Amicus briefs submitted in response to this notice shall be filed with the Secretary of the Board on or before February 11, 1983.

Dated: January 12, 1983.

For the Board.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 83-1323 Filed 1-17-83; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Change

January 12, 1983.

A change has been made to the meeting agenda of the National Advisory Committee on Oceans and Atmosphere (NACOA) scheduled to meet on Monday, Tuesday, and Wednesday, January 24–26, 1983 and published in the **Federal Register** of January 7, 1983 (Page 48 FR 913). A Plenary session has been added to the afternoon of the first day from 1:00 p.m.–2:00 p.m.

The Tentative Agenda is as follows:

Monday, January 24, 1983

Department of Commerce, 14th St. and Constitution Avenue, NW., Washington, D.C., Rooms 6802 and B–841

Plenary

9:00 a.m.–12:00 p.m.
9:00 a.m.–9:30 a.m.; Announcements, Room 6802
9:30 a.m.–12:30 p.m.; Sea Grant, Chairman: Jack R. Van Lopik, Room 6802
Speakers: Athelstan Spilhaus; Ned Ostenso, National Oceanic and Atmospheric Administration; Robert Corell, University of New Hampshire; James Curlin, Strategic Materials Management Newsletter; W. Wayne Shannon, University of Connecticut; Others To Be Announced

Lunch

12:00 p.m.–1:00 p.m.

Plenary

1:00 p.m.–2:00 p.m.; Review and Approval of Coast Guard Report; Panel Chairman: Michael R. Naess

Panel Meetings

2:00 p.m.–5:30 p.m.
2:00 p.m.–3:30 p.m.; Hydrology, Chairman: Paul Bock, Room B–841;
Topic: Panel Work Session
2:00 p.m.–5:30 p.m.; Radioactive Waste Disposal, Chairman: John A. Knauss, Room 6802
Speakers: Loring Mills, Edison Electric Institute; Colin Heath, NUS Corporation; Jon Hinck, Greenpeace; Christopher Roosevelt, The Oceanic Society; Susan Wiltshire, Research and Planning, Inc.; Bill Barnard, Office of Technology Assessment

Recess

5:00 p.m.

Tuesday, January 25, 1983

Department of Commerce, 14th St. and Constitution Avenue, NW., Washington, D.C., Rooms 6802 and B–841

Panel Meetings

8:30 a.m.–12:00 Noon
8:30 a.m.–10:00 a.m.; Sea Grant, Chairman: Jack R. Van Lopik, Room 6802;
Topic: Panel Work Session

Plenary

10:30 a.m.–12:00 noon; Hydrology, Chairman: Paul Bock, Room B–841
Topic: Tentative Recommendations from Panel Report

Lunch

12:00 Noon–1:00 p.m.

Plenary

1:00 p.m.–3:30 p.m.; Action Items; Review and Approval of Marine Transportation Report, Panel Chairman: Don Walsh; Panel Reports

Adjourn

3:30 p.m.; Regular Meeting

Wednesday, January 26, 1983

Page Building #1, Room B–100, 2001 Wisconsin Avenue, NW., Washington, D.C.

Panel Meeting

9:00 p.m.–3:00 p.m.
9:00 p.m.–3:00 p.m.; Undersea Research, Chairman: Sylvia Earle
Topic: Technology
Speakers: R. Frank Busby; Elliot Finkle, National Oceanic and Atmospheric Administration; Roger Cook, Harbor Branch Foundation; Graham Hawkes, Deep Ocean Technology, Inc.; Others To Be Announced

Adjourn

3:00 p.m.

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building #1), Washington, DC 20235. The telephone number for NACOA is 202/653–7818.

Dated: January 12, 1983.

Steven N. Anastasion,

Executive Director.

[FR Doc. 83-1288 Filed 1-17-83; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (83-6)]

Government—Owned Inventions; Availability for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Availability of Inventions for Licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly foreign licensing.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $6.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the patent application copies sold to avoid premature disclosure.

DATE: January 18, 1983.

FOR FURTHER INFORMATION CONTACT: National Aeronautics and Space Administration, John G. Mannix, Director of Patent Licensing, Code GP-4, Washington, D.C. 20546, telephone (202) 755-3954.

Patent application 132,364: Apparatus and Method for Improving the Fuel Efficiency of a Gas Turbine; filed March 20, 1980.

Patent application 245,571: Tip Cap for a Rotor Blade; filed March 20, 1981.

Patent application 296,137: Integrating IR Detector Imaging Systems; filed August 25, 1981.

Patent application 364,094: Workpiece Positioning Vise; filed March 31, 1982.

Patent application 383,086: Method of and apparatus for Measuring Temperature and Pressure; filed May 28, 1982.

Patent application 404,809: Chemical Approach for Controlling Nadimide Cure Temperature and Rate; filed August 3, 1982.

Patent application 406,820: Optical Distance measuring Instrument; filed August 10, 1982.

Patent application 407,240: A Solvent Resistancy Thermoplastic Aromatic Poly (Imidesulfone) and Process for Making Same; filed August 11, 1982.

Patent application 408,575: Vibration Isolation and Pressure Compensation Apparatus for Sensitive Instrumentation; filed August 16, 1982.

Patent application 414,106: Lower Body Negative Pressure Apparatus; filed September 2, 1982.

Patent application 415,878: Thumb-Actuated Two-Axis Controller; filed September 8, 1982.

Patent application 415,880: Metal Phthalocyanine Ploymers; filed September 8, 1982.

Patent application 415,879: Apparatus and Method to Keep the Walls of a Free-Space Reactor Free From Deposits of Solid Materials; filed September 8, 1982.

Patent application 416,443: Integrated Optics In An Electrically Scanned Imaging Fourier Transform Spectrometer; filed September 10, 1982.

Patent application 418,319: Method and Apparatus for Gripping Uniaxial Fibrous Composite Materials; filed September 15, 1982.

Patent application 418,138: Space Shuttle With Improved External Propellant Tank; filed September 15, 1982.

Patent application 415,205: Self-Charging Metering and Dispensing Device for Fluids; filed September 28, 1982.

Patent application 425,204: Retinally Stabilized Differential Resolution Television Display; filed September 28, 1982.

Patent application 425,202: Ranging System; filed September 28, 1982.

Patent application 431,421: Tool for Releasing Optical Elements; filed September 30, 1982.

Patent application 434,085: Reactanceless Bandpass Amplifier; filed October 13, 1982.

Patent application 434,084: Dielectric Based Submillimeter Backward Wave Oscillator Circuit; filed October 13, 1982.

Patent application 434,087: Improved High Temperature Resistant Polyimides; filed October 13, 1982.

Patent application 434,674: Heat Pipe Thermal Switch; filed October 15, 1982.

Patent application 434,672: Thermal Control System; filed October 15, 1982.

Patent application 433,196: Chalcogenophosphate Photoelectrodes; filed October 7, 1982.

Patent application 435,511: Shell Tile Thermal Protection System; filed October 20, 1982.

Patent application 434,912: Closed Loop Electrostatic Levitation System; filed October 29, 1982.

Patent application 437,913: Submillimeter Wave Schottky Barrier Diode With Low Series Resistance and Low Noise; filed October 29, 1982.

Patent application 437,917: Method of and Apparatus for Generating an Interstitial Point in a Stream of an Even Number of Data Points; filed October 29, 1982.

Patent application 438,446: X-Ray Determination of PV Weld Mismatch for Completely Assembled Dewar; filed November 12, 1982.

Patent application 440,656: Phthalocyanine Polymers; filed November 10, 1982.

Patent application 441,899: Elastomer-Modified Phosphorus Containing Imide Resins; filed November 15, 1982.

Patent application 441,898: Integrated Opto-Electronic Laser Beam Deflector-Position Detector; filed November 15, 1982.

Patent application 444,149: A Radionuclide Counting Technique for Measuring Wind Velocity and Direction; filed November 24, 1982.

Patent application 444,150: Acoustic Ground Impedance Meter; filed November 24, 1982.

Patent application 444,124: Ion Beam Sputter-Etched Ventricular Catheter for Hydrocephalus Shunt; filed November 24, 1982.

Patent application 444,125: Method and Apparatus for Suppressing Ignition Overpressure in Solid Rocket Propulsion Systems; filed November 24, 1982.

S. Neil Hosenball,

General Counsel.

[FR Doc. 83-1313 Filed 1-17-83; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committe on Reactor Safeguards; Proposed Meetings

In order to provided advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published December 22, 1982 (47 FR 57152). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the Federal Register approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in

part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the February 1983 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267. ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

* *Class 9 Accidents,* January 21, 1983, Washington, D.C. The Subcommittee will review the severe fuel damage research program. Notice of this meeting was published December 23.

* *Skagit/Hanford Nuclear Project,* January 24, and 25, 1983, Richland, WA. The Subcommittee will review the application of the Puget Sound Power and Light Company for a construction permit. Notice of this meeting was published December 30.

* *Decay Heat Removal,* January 27, 1983, Washington, DC. The Subcommittee will discuss the merits and problems associated with primary system depressurization (feed and bleed) and secondary system depressurization for decay heat removal. Notice of this meeting was published January 4.

* *Joint Metal Components and Three Mile Island (TMI) Unit 1,* January 28, 1983, Washington, DC. The Subcommittee will review the Steam Generator Generic Recommendation Report and the TMI–1 steam generator problems and fixes. Notice of this meeting was published January 4.

* *Clinch River Breeder Reactor (CRBR),* February 3 and 4, 1983, Washington, DC. The Subcommittee will continue the review of the Department of Energy (DOE) application for a permit to construct the CRBR.

* *Regulatory Policy and Procedures,* February 7 and 8, 1983, Washington, DC. The Subcommittee will review the matter of regulatory reform including "regionalization".

* *Emergency Core Cooling System (ECCS),* February 8, 1983, Washington, DC. The Subcommittee will review NRC/Babcock and Wilcox Program use of the GERDA facility to address concerns with the thermal hydraulic behavior of B&W plants during transients and accidents.

* *Safety Research Program,* February 9, 1983, Washington, DC. The Subcommittee will discuss the final draft of the ACRS Report to Congress on the NRC Safety Research Program for fiscal years 1984 and 1985.

Emergency Core Cooling System (ECCS), February 17 and 18, 1983, San Jose, CA. The subcommittee will continue the review of the General Electric SAFER/GESTER ECCS Licensing Code.

* *Class 9 Accidents and Reactor Radiological Effects,* February 22, 1983, Washington, DC. The Subcommittee will discuss the research program being proposed and conducted to confirm and verify the existing or a new radiation source term for severe accidents.

* *Systematic Evaluation Program (SEP),* February 23, 1983 (Tentative), Washington, DC. The Subcommittee will review the Yankee Rowe systematic evaluation program.

* *Clinch River Breeder Reactor (CRBR),* February 23, and 24, 1983, Washington, DC. The Subcommittee will continue the review of the CRBR construction permit application.

* *Systems Intergration and Instrumentation/Control,* Feruary 24, 1983 (Tentative), Washington, DC. The Subcommittee will continue to review the CRBR instrumentation and control and plant protection systems and the CRBR reliability program.

* *Catawba,* March 4 and 5, 1983 (Tentative), Rock Hill, SC. The Subcommittee will visit the plant and review the application of the Duke Power Company for an operating license.

Groupe Permanent/ACRS Meeting, March 24 and 25, 1983, Washington, DC. The Group Permanent and the ACRS will exchange views regarding existing and proposed regulatory policies, practices and criteria for the regulation of neclear facilities.

* *Joint Metal Components and Combination of Dynamic Loads,* March 30, 1983, Washington, DC. The Subcommittee will review the reevaluation of double-ended guillotine break design requirements for Westinghouse PWR plants.

**Seabrook 1,* March 31 and April 1, 1983, Location to be determined. The Subcommittee will visit the plant and review the application of the Public Service Company of New Hampshire for an operating license.

**Reactor Radiological Effects, Site Evaluation and Waste Management,* Date to be determined (March, Tentative), Washington, DC. The Subcommittee will review information and calculations used by the NRC Staff to assign priorities for action on the generic safety issues.

**Waste Management,* Date to be determined (March, Tentative), Washington, DC. The Subcommittee will review and comment on NRC Staff's review of the Department of Energy's Site Characterization Report for the Basalt Waste Isolation Project (Hanford).

**Reactor Radiological Effects,* Date to be determined (March, Tentative), Washington, DC. The Subcommittee will review the Shippingport Reactor decommissioning.

**Metal Component Working Group,* Date to be determined (March, Tentative), Washington, DC. The Subcommittee will review the status of NRC pressurized thermal shock program.

**Metal Components,* Date to be determined (March–April, Tentative), Washington, DC. The Subcommittee will review the NRC action plan on integrity of steel bolts.

**Reactor Operations,* April 6, 1983, Washington, DC. The Subcommittee will review the draft final rules of 10 CFR 50.72, Immediate Notification Requirements and 10 CFR 50.73, the revised Licensee Event Report (LER) Rule.

**GE Water Reactor/Westinghouse Water Reactors/Safeguards and Security,* Date to be determined (April, Tentative), Washington, DC. The Subcommittee will discuss applications for Final Design Approvals (FDA) by General Electric and preliminary design information for the Westinghouse advanced pressurized water reactor (APWR).

**Clinch River Breeder Reactor (CRBR) Woirking Group on Thermal Hydraulic Design,* Date to be determined, Washington, DC. The Subcommittee will continue the review of the CRBR thermal hydraulic design.

**Plants Features Important to Safety,* May 11, 1983, Washington, DC. The Subcommittee will obtain a status report and program plans on Equipment Qualification and Classification Systems dealing with both mechanical and electrical components. New initiatives in the quality assurance area will be explored, such as a "Graded QA" system.

ACRS Full Committee Meeting

February 10–12, 1983: Items are *tentatively* scheduled.

*A. *Clinch River Breeder Reactor* — Construction Permit (partial review).

*B. *Skagit/Hanford Nuclear Project* — Construction Permit.

*C. *NRC Safety Research Program and Budget* —Completed proposed ACRS report to the U.S. Congress regarding the proposed NRC safety research program and budget for fiscal years 1984 and 1985.

*D. *Reports of Responsible ACRS Subcommittees Regarding Safety-Related Activities* —Including proposed nuclear regulatory reform, TMI–1 steam generator tube repairs, generic activities regarding steam generator tube integrity, consideration of class-9 accidents, and decay heat removal system.

*E. *Seismic Fragility of Nuclear Power Plant Components*—Briefing regarding shock resistance of naval nuclear components/systems.

*F. *Meeting with NRC Commissioners (Tentative)* —Discusss ACRS role in the regulatory process.

*G. *Future ACRS Activities* —Discuss anticipated and proposed ACRS Subcommittee and full Committee activity as well as activities of ACRS members. Discuss ACRS role in the NRC regulatory process.

March 10–13, 1983—Agenda to be announced.

April 14–16, 1983—Agenda to be announced.

Dated: January 13, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-1354 Filed 1-17-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413 and 50-414]

Duke Power Co.; Availability of Final Environmental Statement for the Catawba Nuclear Station, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement (NUREG–0921) prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed operation of the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina, is available for inspection by the public in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and in the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina. The Final Environmental Statement is also being made available at the State Clearinghouse, Office of the State Auditor, P.O. Box 11333, Columbia, South Carolina 29211 and at the Catawba Regional Planning Council, P.O. Box 862, Rock Hill, South Carolina 29730.

The notice of availability of the Draft Environmental Statement for the Catawba Nuclear Station, Units 1 and 2, and request for comments from interested persons was published in the **Federal Register** on August 24, 1982 (47 FR 37009). The comments received from Federal, State, and local agencies, and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies may be purchased at current rates directly from NRC by sending check or money order, payable to Superintendent of Documents, to Director, Division of Technical Information and Document Control, U.S. NRC, Washington, D.C. 20555. GPO Deposit Account Holders may charge their orders by calling (301) 482–9530. Copies are also available for purchase through the National Technical Information Service, Springfield, Virgina 22161.

Dated at Bethesda, Maryland this 10th day of January 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-1356 Filed 1-17-83; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a second draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, CE 034–4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Spent Fuel Heat Generation in an Independent Spent Fuel Storage Installation" and is intended for Division 3, "Fuels and Materials Facilities." (The first draft of this guide was issued as Task FP 034–4.) The guide is being developed to present values of spent fuel heat generation rates that are acceptable to the NRC staff for use as design input for an independent spent fuel storage installation.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompained by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by March 24, 1983.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with: (1) Items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 10th day of January 1983.

For the Nuclear Regulatory Commission.

G. A. Arlotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 83-1355 Filed 1-17-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-482]

Kansas Gas and Electric Co., et al., Order Extending Construction Completion Date

In the matter of Kansas Gas and Electric Company, Kansas City Power & Light Company, Kansas Electric Power

Cooperative, Inc., and Wolf Creek Generating Station, Unit No. 1.

Kansas Gas and Electric Company, Kansas Power & Light Company and Kansas Electric Power Cooperative, Inc. are holders of Construction Permit No. 1 located in Coffey County, Kansas.

By letter, dated November 24, 1982, Kansas Gas and Electric Company filed an application for extension of the latest construction completion date for the Wolf Creek Generating Station, Unit No. 1 Construction Permit. It was requested that Construction Permit CPPR-147 be extended from March 1, 1984 to July 1, 1986. The reasons given for the requested extension in time were: (1) The slow progression of construction due in part to increasingly stringent quality requirements; and (2) numerous changes and additional requirements for plant design, including those required as a result of the Commission's regulatory review of the Three Mile Island accident.

This action involves no significant hazards consideration, good cause has been shown for the delays, and the requested extension is for a reasonable period, the bases for which are set forth in the staff's safety evaluation for this extension.

The Commission has determined that this action will not result in any significant environmental impact and, 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 this action.

The applicant's letter, dated November 24, 1982, and the NRC staff's safety evaluation supporting the Order are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801.

It is hereby ordered that the latest construction completion date for CPPR-174 be extended from March 1, 1984 to July 1, 1986.

Dated: January 11, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Acting Director, Division of Licensing, Office of Nuclear Reactor Regulation.

FR Doc. 83-1367 Filed 1-17-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District and Rancho Seco Nuclear Generating Station; Exemption Operation While Irradiating Reactor Vessel Surveillance Specimens at Davis-Besse, Unit No. 1

The U.S. Nuclear Regulatory Commission (the Commission) has granted an Exemption to the Sacramento Municipal Utility District (the licensee) for Rancho Seco Nuclear Generating Station (located in Sacramento County, California), from the requirement for a continuing in-vessel material surveillance program as set forth in Appendix H to 10 CFR Part 50. The Exemption is effective for a period of five years.

In granting this Exemption, the Commission determined that it is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The Commission also determined that granting this Exemption 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 the issuance of this action.

For further details, see: (1) The licensee's request by letter dated August 2, 1982, and (2) the Commission's letter to the licensee dated January 10, 1983. These items can be reviewed at the Commission's Public Document Room, 1717 H St., NW., Washington, D.C. 20555 and at the Business and Municipal Department, Sacramento, City-County Library, 828 I Street, Sacramento, California.

A copy of item (2) 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 10th day of January 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 83-1358 Filed 1-17-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District (Rancho Seco Nuclear Generating Station); Exemption

I

Sacramento Municipal Utility District (the licensee) is the holder of Facility Operating License No DPR-54 which authorizes the operation of the Rancho Seco Nuclear Generating Station (the facility) at steady-state power levels not in excess of 2772 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Sacramento County, California. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in affect.

II

On November 19, 1980, the Commission published a revised 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of those fifteen subsections, III.G, is the subject of this Exemption.

Subsection III.G specifies detailed requirements for fire protection of the equipment used for safe shutdown by means of separation and barriers (III.G.2). If the requirements for separation and barriers could not be met in an area, alternative safe shutdown capability, independent of that area and equipment in that area, was required (III.G.3).

By letters dated March 17, 1981, and May 28, 1982, Sacramento Municipal Utility District requested the following exemptions:

1. Exemption from the requirements on Subsection III.G.2 of Appendix R to the extenf that it requires an automatic fire suppression system to be installed in the following areas of the Auxiliary Building:

(a) Train A High Pressure Injection Pump Room.

(b) Makeup Pump Room.

(c) Corridor to Elevation 47 Feet.

(d) West Containment Valve Area.

2. Exemption from the requirements of Subsection III.G.2 of Appendix R to the extent that it requires a one-hour fire barrier to be installed in the following areas of the Auxiliary Building:

(a) Train A High Pressure Injection Pump Room.

(b) Makeup Pump Room.

We have reviewed the licensee's exemption requests and our evaluation of these requests is as follows:

1. Auxiliary Building—Train A High Pressure Injection Pump Room and Makeup Pump Room.

Each room contains a portion of a cooper pipe cross-tie between the two nuclear service raw water systems. The cross-tie piping provides cooling water to both high pressure injection pumps and the makeup pump depending on how the pumps are aligned. Fire damage to the silver brazed joints in the cross-tie piping would result in the loss of cooling water to the above mentioned pumps. Existing fire protection in each room consists of an automatic smoke detection system which alarms locally and in the control room, and one inch of calcium silicate insulation installed on the cross-tie piping to serve as a fire barrier.

The combustibles consist of 20 gallons of lube oil in each room contained in the high pressure injection makeup pumps. The lube oil comprises a fuel load of 8500 BTU/sq. ft. for each room which, if totally consumed, would correspond to a fire severity equivalent to about 6.5 minutes on the ASTM E–119 standard time temperature curve.

By letter dated May 28, 1982, the licensee provided test data to show that the one-inch calcium silicate insulation is a 30-minute fire rated barrier. We have reviewed the test data and agree with the licensee's findings.

The objective of the fire protection program is to ensure that at least one means of achieving safe shutdown conditions will remain available during and after a postulated fire in any area of the plant. In these rooms, the objective is to provide adequate cooling water to the high pressure injection pumps and makeup pump. This can be achieved if a fire would not melt the silver brazed joints.

In our survey of each room, we found the amount of in-situ combustibles to be low. A combination of passive (calcium silicate insulation) and active (automatic fire detection system) protection had been installed. In addition, the water inside the piping serves as a heat sink to further protect the silver brazed joints.

We find that existing fire protection provides reasonable assurance that the silver brazed joints will not fail as a result of a postulated exposure fire, including one which considers the in-situ fuel load, in addition to the anticipated transient combustibles consisting of 20 gallons of lube oil needed for an oil change. Therefore, we find the existing level of protection provided for safe shutdown systems provides an equivalent level of safety as required by Subsection III.G.2 of Appendix R.

The installation of an automatic fire supression system and one-hour barriers in these areas would not appreciably enhance fire safety above that already provided. Therefore, the exemption requested by the licensee should be granted.

2. Auxiliary Building—Corridor to Elevation 47 Feet.

The area serves as a corridor between elevations 30 feet and 47 feet in the Auxiliary Building. The area is separated from other plant areas by three-hour fire rated barriers. Fire protection is provided by ionization smoke detectors, standpipe hose stations and portable fire extinguishers.

The combustible in the area is cable insulation. The cable insulation in the area comprises a fuel load of 9,500 BTU/sq. ft. which, if totally consumed, would correspond to a fire severity of about seven minutes on the ASTM E–119 standard time temperature curve.

The cables in the area are installed in horizontal cable trays approximately 15 feet above the floor level. Redundant safe shutdown cabling in the area is installed in separate cable trays separated by five feet. One train of the safe shutdown cables has been wrapped with a one-hour fire rated barrier.

Subsection III.G.2 of Appendix R would require the installation of an automatic suppression system in addition to the fire detectors and one-hour fire rated barrier that are already installed. The primary purpose of the automatic suppression system is to extinguish exposure fires.

In our survey of the area, we found the amount of in-situ combustibles to be low. The fuel, in the form of cable insulation, is installed in open horizontal cable trays located 15 feet above the floor level and five feet below the ceiling. We find this arrangement of in-situ combustibles to be such that they are not susceptible to ignition from postulated exposure fires. A combination of passive (one-hour fire rated barrier) and active (fire detection system) protection has been provided to assure safe shutdown capability. The licensee provided an evaluation showing that the integrity of the barrier would not be challenged by heat flux produced by postulated transient combustible exposure fires, e.g. 20 gallons of lube oil. We find the licensee's evaluation reasonable.

We find that the existing active and passive protection provided for the safe shutdown cabling without the installation of an automatic suppression system will provide reasonable assurance that one train of safe shutdown cables will be free of fire damage and, therefore, provides an equivalent level of safety as required by Subsection III.G.2 of Appendix R.

Therefore, the installation of an automatic fire suppression system in this area would not appreciably enhance fire safety above that already provided and, the exemption requested by the licensee should be granted.

3. Auxiliary Building—West Containment Valve Area. The area is separated from the remainder of the plant by three-hour fire rated barriers. The fire protection consists of ionization smoke detectors, standpipe hose stations and portable fire extinguishers.

The combustible in the area is cable insulation. The cables in the area comprise a fuel load of approximately 4,500 BTU/sq. ft. which, if totally consumed, would correspond to a fire severity of about 3.5 minutes on the ASTM E–119 standard time temperature curve. The cables in the area are installed in horizontal cable trays approximately 18 feet above the floor level and five feet below the ceiling. One train of cables has been wrapped with a one-hour fire rated barrier.

Subsection III.G.2 of Appendix R would require the installation of an automatic suppression system in addition to the already installed fire detectors and one-hour fire rated barrier. The primary purpose of the automatic suppression system is to extinguish exposure fires.

In our survey of the area, we found the amount of in-situ combustibles to be low. The fuel, in the form of cable insulation, is installed in open horizontal cable trays located 18 feet above the floor level and five feet below the ceiling. We find this arrangement of in-situ combustibles to be such that they are not susceptible to ignition from postulated exposure fires. A combination of passive (one-hour fire rated barrier) and active (fire detection system) protection has been provided to assure shutdown capability. The licensee provided an evaluation showing that the integrity of the one-hour barrier would not be challenged by heat flux produced by postulated transient combustible exposure fires, e.g. 20 gallons of lube oil. We find the licensee's evaluation reasonable.

We find that the existing active and passive protection provided for the safe shutdown cabling without the installation of an automatic suppression system will provide reasonable assurance that one train of safe shutdown cables will be free of fire damage and, therefore, provides an equivalent level of safety as required by Subsection III.G.2 of Appendix R.

Since the installation of an automatic fire suppression system in this area would not appreciably enhance fire

safety above that already provided, the exemption requested by the licensee should be granted.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or common defense and security and is otherwise in the public interest and hereby grants an exemption from the requirements of Subsection III.G.2 of Appendix R to 10 CFR Part 50 to the extent that it requires:

1. An automatic Fire Suppression System to be installed in the following areas of the Auxiliary Building:

(a) Train A High Pressure Injection Pump Room.

(b) Makeup Pump Room.

(c) Corridor to Elevation 47 Feet.

(d) West Containment Valve Area.

2. One-hour fire barriers to be installed in the following areas of the Auxiliary Building:

(a) Train A High Pressure Injection Pump Room.

(b) Makeup Pump Room.

The Commission has determined that the granting of this Exemption 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 this action

Dated at Bethesda, Maryland this 10th day of January 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-1359 Filed 1-17-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co. and Yankee Nuclear Power Station; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 79 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised the Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee) (the facility) located in Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment incorporates changes to the Technical Specifications revising the maximum allowable peak rod linear heat generation rate limits as determined by the Core XVI LOCA analysis.

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 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 the issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated January 7, 1983, (2) Amendment No. 79 to License No. DPR-3, 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, N.W., Washington, D.C. and at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. 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 in Bethesda, Maryland, this 12th day of January 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-1360 Filed 1-17-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Commitee Meetings

Pursant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, February 3, 1983
Thursday, February 10, 1983
Thursday, February 17, 1983
Thursday, February 24, 1983

These meetings will convene at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340,

1900 E Street, NW., Washington, D.C. 20415 (202-632-9710).

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

January 5, 1983.

[FR Doc. 83-1315 Filed 1-17-83; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences; Information on Imports During First 10 Months of 1982

This notice is for information only and has no legal effect. It is provided in order to inform the public of certain import statistics covering the period of January through October 1982. These statistics are relevant to the "competitive need" limits set forth in section 504(c) of the Trade Act of 1974 (19 U.S.C. 2464(c)), pertaining to the Generalized System of Preferences (GSP). Those limits provide, in effect, that any GSP eligible beneficiary country that exported to the United States during the most recent calendar year a quantity of any one GSP eligible article in excess of (1) a specified dollar limit adjusted annually to reflect changes in the U.S. Gross National Product or (2) 50 percent of total U.S. imports of the article, is to be removed from GSP eligibility not later than 90 days after the close of that calendar year. Based on preliminary data and subject to revision, the aforementioned dollar limit is expected to be approximately $54.5 million for calendar year 1982.

Section 1111 of the Trade Agreements Act of 1979 amends section 504(c)(1)(B) of the Trade Act of 1974 so that the President may disregard the 50 percent "competitive need" limit with respect to any eligible article if the value of total imports of the article during the most recent calendar year did not exceed $1 million, adjusted annually to reflect changes in the U.S. Gross National Product. This "de minimis" level is expected to be approximately $1.29 million for calendar year 1982.

An Executive order will be issued to be effective March 31, 1983, making the adjustments that are required by section 504(c) of the Trade Act, on the basis of official data covering all of calendar year 1982. It should be emphasized that the information set forth below covers only the first 10 months of 1982. While this is not complete information, it is being published now in order to provide the maximum possible advance indication as to adjustments that may be made to meet requirements of section 504(c) of the Trade Act.

List I below shows countries which have already exceeded competitive need limitations (country supplied over $54.5 million during Jan.-Oct. 1982) or have been graduated from the GSP pursuant to the President's discretionary authority.

List II below shows countries which are approaching the competitive need limitations (country accounted for over 47 percent of the value of total U.S. imports and/or over $42.5 million during Jan.-Oct. 1982).

List III below shows countries which, despite accounting for more than 50 percent of total U.S. imports, may be eligible to receive GSP benefits through the de minimis waiver (country accounted for over 50 percent of the value of total U.S. imports of the item and the value of total U.S. imports was less than $1.29 million during Jan.-Oct. 1982).

List IV below shows countries which are currently ineligible for the GSP but which may be eligible for redesignation to GSP status pursuant to the President's discretionary authority (country accounted for less than 50 percent of the value of total U.S. imports and the value of total U.S. imports was less than $45.4 million during Jan.-Oct. 1982).

The column headed "TSUS" in the lists below set forth item numbers of the Tariff Schedules of the United States (19 U.S.C. 1202), representing categories of imported articles.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

LIST I.—COUNTIES GRADUATED OR EXCEEDING COMPETITIVE NEED LIMITS

TSUS	Country	Percent of world	country total	World total
12161	Agentina	62.0	$87,433,674	$141,106,458
12710	Mexico	97.8	56,744,957	58,025,984
13763	Mexico	99.8	68,149,570	68,316,601
15520	Dominican Republic	13.6	94,367,447	692,643,885
15520	Brazil	9.4	65,134,019	692,643,885
15520	Thailand	13.3	92,134,996	692,643,895
19221	Colombia	72.0	61,359,819	85,184,045
24520	Brazil	51.7	11,668,199	22,583,647
25687	Mexico	88.7	77,818,005	87,761,163
35581	Taiwan	15.3	4,074,510	26,554,394
38961	Hong Kong	31.1	26,909,351	86,447,416
40620	Isreal	60.6	1,067,661	1,762,716
44542	Taiwan	49.8	7,611,436	15,285,201
52221	Mexico	38.2	16,534,322	43,317,354
53231	Mexico	63.4	1,367,665	2,155,521
61203	Chile	77.6	107,637,395	138,737,401
61206	Chile	54.4	181,928,096	334,705,796
61802	Ghana	40.8	163,063,763	399,640,281
61806	Ghana	27.7	91,846,225	331,022,860
64214	Korea	71.4	2,139,386	2,996,906
64217	Korea	16.7	330,762	1,986,469
64897	Taiwan	56.5	65,682,128	116,525,900
65089	Hong Kong	21.0	263,662	1,255,096
65089	Taiwan	36.7	460,324	1,255,096
65146	Korea	42.8	438,662	1,024,289
65146	Taiwan	52.3	535,358	1,024,289
65284	Mexico	55.7	19,207,966	34,491,287
65348	Taiwan	43.6	4,400,491	10,085,880
65407	Taiwan	46.7	859,127	1,840,665
65413	Hong King	53.9	4,935,765	9,162,440
66042	Brazil	2.9	6,169,221	214,828,789
66048	Mexico	38.0	151,400,908	398,545,177
66048	Brazil	23.3	92,676,237	398,545,177
66106	Hong Kong	36.5	135,946,101	372,068,225
66106	Taiwan	38.6	143,731,076	372,068,225
66109	Singapore	37.1	18,036,617	48,664,231
67652	Mexico	7.4	108,318,003	1,464,449,346

LIST I.—COUNTIES GRADUATED OR EXCEEDING COMPETITIVE NEED LIMITS—Continued

TSUS	Country	Percent of world	country total	World total
67652	Singapore	8.0	$116,450,541	$1,464,449,346
67652	Hong Kong	10.0	145,963,022	1,464,449,346
67652	Taiwan	4.6	66,808,537	1,464,449,346
67850	Korea	6.1	74,456,639	1,223,419,206
67850	Taiwan	8.8	107,367,990	1,223,419,206
67850	Hong Kong	2.9	34,962,471	1,223,419,206
68260	Mexico	17.2	82,836,455	481,301,919
68305	Taiwan	20.8	1,302,105	6,248,320
68315	Mexico	38.5	21,565,035	56,073,699
68370	Hong Kong	35.3	2,149,968	6,088,223
68370	Taiwan	19.5	1,184,996	6,088,223
68448	Hong Kong	55.6	75,306,480	135,405,319
68453	Taiwan	23.8	39,442	165,628
68470	Taiwan	20.5	83,120,929	405,553,875
68524	Hong Kong	28.0	140,181,412	500,194,353
68524	Korea	6.8	33,970,772	500,194,353
68524	Taiwan	7.4	37,141,007	500,194,353
68529	Taiwan	16.5	81,754,517	496,199,533
68590	Mexico	16.2	156,924,891	971,093,608
68590	Taiwan	5.8	55,918,512	971,093,608
68812	Mexico	80.6	109,961,774	136,391,126
68815	Mexico	47.7	78,536,161	164,579,662
68843	Hong Kong	14.7	55,938,943	381,132,149
69232	Mexico	11.2	163,125,028	1,455,178,629
70661	Hong Kong	33.7	5,424,498	16,075,805
70661	Taiwan	39.1	6,264,423	16,075,805
70847	Hong Knog	11.3	14,077,719	124,550,685
72711	Hong Kong	20.0	12,000,572	60,145,984
72735	Taiwan	20.0	66,321,038	331,979,492
72755	Taiwan	27.2	59,350,061	218,165,070
73130	Taiwan	39.6	344,659	869,586
73420	Hong Kong	28.0	228,546,301	815,879,164
73420	Taiwan	33.3	271,286,724	815,879,164
73509	Taiwan	45.2	7,699,424	17,039,785
73520	Taiwan	43.0	54,936,664	127,746,014
73721	Hong Kong	50.7	9,591,862	18,913,395
73730	Korea	54.3	38,637,134	71,188,769
73780	Hong Kong	38.9	12,210,365	31,425,288
73795	Hong Kong	38.2	109,402,496	286,686,975
73795	Taiwan	16.2	46,437,724	286,686,975
74011	Israel	0.9	123,234	13,712,013
74011	Hong Kong	0.1	20,339	13,712,013
74012	Hong Kong	0.6	24,844	4,031,874
74013	Hong Kong	0.6	1,764,224	288,303,992
74014	Hong Kong	11.2	31,177,568	277,910,884
74015	Hong Kong	51.2	31,031,151	60,583,915
75525	Hong Kong	37.4	7,888,597	21,070,239
77251	Korea	7.4	72,010,050	976,207,392

LIST II.—COUNTRIES APPROACHING COMPETITIVE NEED LIMITS

TSUS	Country	Percent of World	Country total	World total
*10584	Israel	49.0	$294,890	$601,830
10748	Brazil	52.5	32,903,577	62,626,000
10780	Argentina	56.6	1,682,404	2,973,704
11221	Peru	63.2	4,343,057	6,872,488
11301	Thailand	57.1	1,849,665	3,238,191
11406	Korea	67.2	1,359,694	2,024,546
*12115	Taiwan	48.9	6,192	12,654
12135	India	49.9	1,776,146	3,562,144
*12152	India	49.2	105,394	214,163
12155	India	76.5	3,412,006	4,457,835
12162	India	62.9	19,440,186	30,918,327
*13032	Argentina	65.3	401,265	614,959
*13040	Argentina	75.1	463,375	617,025
*13135	Thailand	67.3	359,328	533,544
*13551	Mexico	78.2	301,231	385,274
*13580	Nicaragua	91.0	176,411	193,944
13590	Mexico	98.0	30,279,573	30,882,727
13595	Mexico	98.6	12,752,415	12,938,540
13600	Dominican Republic	86.9	4,751,304	5,466,472
13620	Mexico	98.0	1,459,791	1,490,136
13622	Mexico	99.4	5,281,974	5,314,678
13630	Mexico	68.4	10,111,962	14,778,752
13661	Mexico	94.3	2,358,474	2,500,297
13680	Mexico	80.8	3,466,799	4,293,079
*13695	Dominican Republic	58.0	31,442	54,179
*13702	Dominican Republic	97.0	987,366	1,017,647
13740	Mexico	81.3	710,711	874,294
13750	Mexico	99.7	21,320,560	21,385,369
13771	Mexico	91.4	2,543,264	2,781,160
13775	Costa Rica	96.5	1,397,675	1,448,060
13779	Mexico	100.0	1,891,466	1,892,278
*13789	Dominican Republic	98.6	705,766	715,642
13805	Mexico	57.4	11,702,220	20,397,563
13835	Costa Rica	93.0	1,405,893	1,511,436
14021	Mexico	87.5	4,866,516	5,565,935

LIST II.—COUNTRIES APPROACHING COMPETITIVE NEED LIMITS—Continued

TSUS	Country	Percent of World	Country total	World total
*14054	Israel	65.7	$140,505	$213,810
*14135	Turkey	68.9	224,284	325,616
14177	Mexico	71.0	16,937,775	23,864,456
*14553	Turkey	9101	443,745	487,114
14622	Turkey	49.2	3,526,529	7,162,553
*14642	Ecuador	76.2	79,397	7,104,207
14644	Philippines	84.9	2,936,985	3,460,170
14676	Mexico	87.7	15,004,870	17,100,427
*14733	Jamaica	90.0	72,799	80,929
*14780	Thailand	48.6	29,093	59,914
*14785	Brazil	52.9	335,863	634,642
14803	Mexico	73.2	3,836,132	5,239,334
14812	Mexico	93.4	6,550,964	7,015,719
14817	Mexico	99.6	19,001,469	19,071,767
*14819	Israel	67.1	40,337	60,087
14825	Mexico	99.2	5,038,209	5,077,112
14830	Mexico	52.9	4,075,057	7,709,417
14872	Chile	94.0	4,606,550	4,901,480
14950	Mexico	84.0	1,483,469	1,765,088
*15200	Jamaica	100.0	1,119	1,119
*15230	Dominican Republic	48.5	47,953	98,861
*15243	Dominican Republic	89.6	208,830	233,077
15254	Brazil	57.6	888,569	1,541,462
*15258	India	51.4	446,635	869,783
15272	Honduras	64.6	1,878,254	2,907,936
*15278	Honduras	66.8	46,151	69,079
*15440	Taiwan	68.0	210,248	309,319
*15443	Taiwan	69.9	39,203	56,093
15453	Taiwan	56.6	1,510,397	2,667,563
*15460	Taiwan	57.4	157,565	274,606
15520	Philippines	7.6	52,381,173	692,643,885
15535	Barbados	54.2	2,059,067	3,799,158
*16175	Israel	66.5	115,630	173,997
*16211	Syria	49.6	3,700	7,456
*16813	Trinidad Island	99.7	541,895	543,683
*16836	Peru	100.0	1,116	1,116
*16837	Argentina	86.2	47,097	54,662
*16841	Peru	100.0	869	869
*16842	Yugoslavia	65.2	7,733	11,864
*16854	Yugoslavia	77.8	233,946	287,778
*16859	Yugoslavia	71.4	48,688	68,182
*16861	Yugoslavia	66.0	13,195	20,000
16898	Mexico	49.6	12,400,103	25,012,350
16948	Mexico	52.3	722,668	1,381,431
*16947	Brazil	100.0	4,218	4,218
17015	Cameroon	48.2	993,465	2,060,680
*17615	Brazil	95.7	177,170	185,051
*17670	India	57.7	321,529	557,026
*18290	Panama	71.7	791,892	1,104,305
*18453	Argentina	66.8	702,062	1,051,084
*18465	Taiwan	47.5	116,411	245,117
*19085	Bahamas	52.1	33,245	63,862
19285	Mexico	81.4	4,461,752	5,478,893
20091	Honduras	67.9	2,980,487	4,387,045
20262	Mexico	97.7	22,884,979	23,413,228
*20320	Taiwan	91.3	36,487	39,967
20440	Taiwan	50.4	3,032,914	6,023,362
*20645	Haiti	77.3	26,632	34,466
20647	Taiwan	78.0	2,141,194	2,815,630
20660	Mexico	65.2	20,076,525	30,799,436
20698	Taiwan	56.3	29,238,920	51,950,908
*22010	Portugal	98.3	864,558	879,145
*22015	Portugal	95.9	70,363	73,387
22020	Portugal	87.3	1,667,207	1,910,030
22025	Portugal	91.2	2,293,549	2,515,272
*22035	Portugal	86.6	25,918	29,868
*22037	Portugal	95.9	25,957	27,071
*22041	Portugal	94.2	49,050	52,082
22048	Portugal	66.7	3,104,380	4,656,475
22210	Hong Kong	58.5	4,462,196	7,630,320
*22234	Taiwan	80.6	23,741	29,443
*22236	Taiwan	64.8	158,320	224,451
22250	Taiwan	67.1	2,678,477	3,993,385
*24010	Brazil	93.0	714,568	768,492
*24012	Brazil	85.2	109,131	128,090
*20419	Taiwan	84.0	867,315	1,032,408
*24030	Costa Rica	100.0	400	400
*24032	Panama	97.9	13,889	14,182
*24050	Hong Kong	100.0	503	503
*24500	Argentina	100.0	2,462	2,462
24520	Brazil	51.7	11,668,199	22,583,647
*25125	Taiwan	100.0	889	889
*25440	Portugal	100.0	34,586	34,586
25660	Korea	50.0	11,188,293	22,377,500
*27423	Taiwan	93.0	6,440	6,922
30412	Egypt	52.9	754,075	1,424,191
*30440	Thailand	98.5	18,046	18,322
*30444	Brazil	92.7	62,300	67,202
*30448	Brazil	49.1	36,400	74,107
*30458	India	74.7	1,880	2,518
*30520	Thailand	56.6	351,386	620,429

LIST II.—COUNTRIES APPROACHING COMPETITIVE NEED LIMITS—Continued

TSUS	Country	Percent of World	Country total	World total
*30528	Thailand	56.2	$217,348	$387,045
*30530	Bangladesh	62.7	702,181	1,120,141
*30671	Chile	87.7	10,242	11,675
*30672	Argentina	87.1	43,759	50,251
*30818	Argentina	100.0	1,352	1,352
*30830	Brazil	73.5	270,314	367,928
31525	Mexico	49.8	1,834,675	3,686,936
*31530	Portugal	59.5	86,190	144,916
*31580	Thailand	95.7	864,258	923,542
*31585	Thailand	96.5	166,824	172,960
*31590	Thailand	84.2	137,782	163,666
*31595	Thailand	51.5	5,527	10,727
31901	India	97.6	1,803,418	1,847,358
31903	India	98.2	1,888,348	1,922,870
31905	India	98.3	2,008,809	2,043,068
*31907	India	63.3	96,393	152,372
*33550	India	80.2	71,883	89,681
*33910	Mexico	63.7	526,996	826,754
*35625	Israel	55.7	680,703	1,222,803
*36035	India	91.6	904,386	987,151
*36121	Philippines	100.0	1,313	1,313
*36414	Taiwan	53.8	7,527	13,994
36584	Philippines	52.0	2,240,100	4,308,558
36684	Philippines	49.5	2,145,835	4,339,073
40620	Israel	60.8	1,067,661	1,762,716
40872	Korea	47.7	2,970,585	6,227,493
*41276	Israel	60.8	341,375	561,062
*41280	Mexico	59.1	467,356	791,388
41610	Turkey	79.6	1,389,200	1,744,611
41722	Mexico	100.0	2,969,127	2,990,027
*41800	Mexico	56.1	135,700	242,022
*41824	India	87.2	312,346	358,066
*41878	Mexico	57.1	580,132	1,015,771
*41900	Peru	99.9	321,064	321,328
*42024	Israel	51.8	275,942	532,734
*42070	Israel	95.1	103,853	109,242
*42082	Israel	78.8	274,070	347,897
*42274	Mexico	100.0	324,964	324,964
*42276	Mexico	82.5	644,830	782,018
*42368	Mexico	81.6	982,165	1,203,448
*42500	Taiwan	87.1	2,600	2,985
42570	Mexico	94.9	3,265,148	3,439,973
*42610	Portugal	100.0	1,890	1,890
*42716	Argentina	92.6	231,340	249,862
*42725	Argentina	74.2	14,907	20,080
42836	Argentina	48.4	813,879	1,680,453
42858	Brazil	52.0	1,424,233	2,739,945
*43510	Costa Rica	77.7	69,992	90,123
*43713	India	68.5	106,551	155,551
*43716	India	100.0	156,955	156,955
43760	Argentina	86.0	3,057,340	3,555,680
43764	Brazil	47.0	2,696,896	5,743,847
44542	Taiwan	49.8	7,611,436	15,285,201
*44610	Malaysia	71.6	178,111	248,903
*45010	Singapore	81.3	50,000	61,515
*45228	Israel	95.7	54,567	56,997
45244	Brazil	47.4	622,543	1,313,916
*45516	Colombia	76.1	48,750	64,086
*46115	Bermuda	82.3	74,842	90,929
*46565	Costa Rica	100.0	1,000	1,000
*47336	Cyprus	53.9	11,125	20,659
47352	Mexico	99.5	4,724,301	4,746,651
*47356	Mexico	87.1	351,862	403,800
*47382	Korea	99.4	466,693	469,668
*49012	Malaysia	79.3	176,828	223,058
*49030	Israel	100.0	1,158	1,158
*49320	Taiwan	99.4	119,367	120,094
49382	Mexico	50.8	1,872,129	3,682,218
*51131	Mexico	59.3	419,180	706,676
*51151	Mexico	47.3	4,080	8,623
*51151	Hong Kong	52.7	4,543	8,623
*51434	Mexico	100.0	1,152	1,152
*51441	Taiwan	48.5	8,427	17,375
*51454	Mexico	79.5	34,804	43,788
*51451	Mexico	59.7	9,700	16,246
*51624	Brazil	100.0	36,000	36,000
*51671	India	91.9	593,299	645,266
*51673	India	92.9	50,707	54,564
*51674	India	76.4	160,422	209,890
*51694	India	63.6	172,420	271,137
*52037	India	85.5	31,771	37,179
52071	Korea	48.2	9,405,107	19,532,923
*52271	Somalia	62.7	25,000	39,848
*52351	Taiwan	72.8	2,058	2,827
52394	Mexico	79.1	1,492,922	1,886,391
53222	Korea	84.3	7,480,494	8,870,173
53231	Mexico	63.4	1,367,665	2,155,521
*53315	Taiwan	70.2	482,780	687,643
*53474	Taiwan	64.3	4,715	7,335
53476	Taiwan	47.9	201,055	419,957
53481	Taiwan	48.4	1,300,403	2,684,689

LIST II.—COUNTRIES APPROACHING COMPETITIVE NEED LIMITS—Continued

TSUS	Country	Percent of World	Country total	World total
53484	Taiwan	48.3	$8,623,008	$17,842,025
53491	Taiwan	48.1	4,194,121	8,725,461
53494	Taiwan	40.7	45,973,400	112,938,007
53531	Mexico	57.8	5,385,320	9,317,687
54021	Mexico	48.1	1,753,528	3,647,420
54441	Mexico	54.6	20,156,689	36,948,157
*54565	Mexico	77.5	680,018	877,309
*54585	Taiwan	84.7	822,169	960,372
*54741	Hong Kong	74.3	39,882	53,664
60210	Honduras	58.5	4,850,151	8,293,162
60340	Chile	64.3	6,624171	10,305,115
60350	Chile	78.7	3,919,542	4,982,049
60548	Chile	62.9	1,762,835	2,801,030
60636	Brazil	49.9	2,457,428	4,920,580
*60648	Portugal	61.1	747,169	1,222,380
*61205	Chile	100.0	91,030	91,030
*61215	Mexico	80.0	234,568	293,248
*61230	Yugoslavia	95.8	135,764	142,085
61815	Yugoslavia	49.4	4,320,695	8,744,423
*62220	Brazil	74.7	73,520	98,453
62222	Bolivia	99.9	2,214,606	2,216,230
*62434	Mexico	53.0	24,108	45,522
*62442	Mexico	83.1	37,662	45,334
*62895	Korea	100.0	3,080	3,080
*63260	Bolivia	72.4	419,070	578,653
64214	Korea	71.4	2,139,386	2,996,908
64216	Korea	62.6	39,470,851	63,046,289
*64245	Mexico	58.9	271,227	460,580
*64440	Brazil	96.3	64,023	66,509
*64604	Taiwan	87.0	9,000	10,346
*64647	Taiwan	65.3	62,414	95,636
*64682	Taiwan	53.4	97,376	182,221
*64686	Taiwan	59.6	171,897	288,252
*64688	Taiwan	91.1	40,644	44,593
*64698	Mexico	75.5	585,503	775,781
*64871	Taiwan	70.4	711	1,010
*64891	Taiwan	54.5	377,937	693,694
64937	Taiwan	53.1	11,444,574	21,551,139
*64971	Hong Kong	80.2	4,485	5,597
*64973	Korea	77.7	3,673	4,730
*64975	Taiwan	83.2	68,254	82,010
*65047	Taiwan	88.5	249,483	281,971
*65079	Taiwan	56.6	25,132	44,373
*65087	Hong Kong	71.3	77,921	109,320
*65101	India	68.8	28,788	41,820
*65103	Taiwan	61.6	42,347	68,6923
*65104	Hong Kong	100.0	785	785
*65115	Taiwan	56.1	176,925	315,148
65121	Taiwan	60.8	4,128,330	6,788,942
65133	Hong Kong	64.7	4,525,736	6,998,769
65137	Taiwan	51.9	6,264,143	12,071,476
*65146	Taiwan	52.3	535,358	1,024,289
*65151	Korea	58.0	130,432	224,816
65153	Taiwan	56.7	1,424,859	2,514,253
*65162	Taiwan	75.8	1,344	1,774
65203	Korea	59.2	2,223,382	3,756,080
*65213	Taiwan	68.3	3,403	4,983
*65235	Hong Kong	73.8	75,423	102,166
*65245	Hong Kong	94.5	7,638	8,083
65260	Taiwan	50.5	2,442,471	4,839,283
65284	Mexico	55.7	19,207,966	34,491,267
*65303	Mexico	55.8	337,037	604,208
*65347	Taiwan	62.8	500,307	797,286
*65370	Taiwan	64.1	40,488	63,122
65385	Taiwan	92.5	2,765,247	2,988,079
65394	Korea	52.6	28,145,603	53,540,629
65399	Taiwan	54.4	1,574,968	2,897,045
65411	Colombia	52.5	6,066,746	11,548,018
65412	Taiwan	90.0	2,907,645	3,228,975
65413	Hong Kong	53.9	4,935,765	9,162,440
*65620	Hong Kong	48.8	10,740	22,008
65724	Taiwan	69.8	3,394,823	4,866,349
66080	Taiwan	54.2	962,566	1,775,104
66165	Israel	47.7	4,481,041	9,384,790
*66218	Taiwan	100.0	899	899
66235	Mexico	64.1	2,834,843	4,422,325
66410	Taiwan	8.7	42,657,445	492,366,565
*66832	India	66.3	1,832	2,763
*67210	Hong Kong	82.1	692,271	842,942
67216	Taiwan	47.4	52,774,474	111,302,206
67435	Taiwan	6.4	44,578,952	694,929,502
67520	Taiwan	18.0	42,948,836	238,975,816
67652	Korea	2.9	42,705,562	1,464,449,346
68235	Mexico	55.9	46,626,625	83,378,743
68260	Hong Kong	10.1	48,762,623	481,301,919
68260	Taiwan	9.4	45,185,745	481,301,919
68380	Hong Kong	79.6	4,960,779	6,229,963
68410	Taiwan	53.8	893,234	1,659,460
68415	Singapore	66.3	20,881,535	31,500,441
68455	Mexico	53.8	5,095,947	9,465,047
68524	Singapore	10.6	53,173,313	500,194,353

LIST II.—COUNTRIES APPROACHING COMPETITIVE NEED LIMITS—Continued

TSUS	Country	Percent of World	Country total	World total
68540	Korea	3.5	$50,741,649	$1,441,854,209
68630	Taiwan	55.7	11,295,465	20,270,042
68742	Taiwan	59.8	1,361,557	2,275,290
68810	Taiwan	81.2	48,354,146	59,545,018
69015	Romania	68.1	1,534,632	2,251,889
*69464	Romania	88.4	19,740	22,330
69610	Taiwan	45.7	48,121,091	105,343,165
*70215	Mexico	58.7	701	1,194
*70220	Korea	65.7	163,461	248,831
*70232	Mexico	67.3	278,580	414,231
*70235	Indonesia	70.1	61,421	87,610
*70245	Brazil	80.4	26,390	32,840
70247	Mexico	61.4	793,833	1,292,065
*70434	Taiwan	54.5	22,705	41,674
*70495	Philippines	63.1	105,607	167,237
*70633	Taiwan	51.7	8,553	16,545
*70637	Taiwan	67.3	210,323	312,352
70639	Taiwan	53.8	11,022,057	20,504,905
*70650	Hong Kong	74.8	156,896	209,696
70915	Israel	57.4	4,056,698	7,061,478
70940	Hong Kong	53.7	3,963,532	7,380,460
70966	Israel	59.8	11,200,345	18,737,064
*71006	Israel	98.6	262,299	265,929
*71067	Korea	79.9	3,752	4,695
*71131	Brazil	79.0	647,791	819,764
71138	Mexico	49.7	2,746,694	5,527,118
*71307	Taiwan	81.9	17,070	20,836
71315	Mexico	69.4	4,437,683	6,396,498
*71317	Taiwan	78.7	597,864	759,874
*71319	Taiwan	59.4	198,860	334,827
72214	Macao	55.6	894,460	1,609,310
*72520	India	55.3	56,324	101,872
72532	Taiwan	48.0	2,321,324	4,836,591
72550	Taiwan	49.4	15,181,066	30,732,857
72665	Mexico	54.3	1,051,971	1,937,404
72706	Mexico	60.9	28,304,268	46,451,057
72712	Philippines	53.5	12,559,049	23,474,876
72729	Yugoslavia	35.1	47,149,239	134,309,365
*73029	Philippines	94.8	527,429	556,071
*73110	Taiwan	62.2	438,852	705,478
*73150	Taiwan	47.8	291,483	609,188
*73250	Taiwan	57.3	126,024	219,922
73410	Taiwan	82.0	4,595,207	5,601,779
73425	Hong Kong	57.9	1,657,523	2,863,049
*73430	Hong Kong	56.8	309,000	543,838
*73434	Hong Kong	62.0	772,948	1,247,601
73451	Taiwan	78.7	2,672,476	3,396,234
73454	Taiwan	49.4	16,993,087	34,398,449
73456	Haiti	64.0	29,811,022	46,568,167
*73460	Taiwan	69.9	184,492	263,884
73470	Korea	55.9	7,589,922	13,577,207
*73471	Taiwan	47.9	190,522	397,762
*73472	Taiwan	54.8	580,816	1,060,591
73486	Taiwan	55.8	13,569,737	24,327,646
73487	Taiwan	84.3	7,653,600	9,074,610
73490	Taiwan	80.8	4,617,799	5,712,347
73507	Korea	50.5	4,665,386	9,234,583
*73511	Taiwan	84.1	182,777	217,261
73707	Hong Kong	55.5	12,165,949	21,962,139
73715	Hong Kong	49.0	47,169,717	96,326,275
73721	Hong Kong	50.7	9,591,862	18,913,395
73726	Taiwan	50.1	903,559	1,802,121
73728	Korea	56.0	1,972,783	3,520,079
73730	Korea	54.3	38,637,134	71,188,769
73740	Korea	43.8	47,541,144	108,593,689
73750	Hong Kong	52.4	1,068,729	2,075,873
73760	Hong Kong	59.8	3,292,433	5,501,414
73795	Taiwan	16.2	46,437,724	286,686,975
74011	Peru	77.2	10,579,398	13,712,013
74015	Hong Kong	51.2	31,031,151	60,583,915
74030	Hong Kong	66.2	1,131,619	1,708,551
74034	Hong Kong	89.3	4,370,713	4,893,317
74075	Korea	52.3	846,139	1,618,427
*74120	Hong Kong	92.7	88,767	95,759
*74550	Taiwan	64.1	7,223	11,261
74556	Malaysia	61.1	1,014,094	1,660,698
*74570	Taiwan	54.0	58,128	107,581
*74812	Haiti	67.0	77,056	115,018
*74815	Taiwan	69.0	307,150	444,878
*74836	Taiwan	50.8	109,878	216,391
*75005	Hong Kong	59.8	146,061	244,329
75020	Taiwan	47.1	6,988,420	14,826,221
75022	Taiwan	58.0	2,929,924	5,049,326
75025	Hong Kong	65.2	2,499,640	3,832,151
75035	Taiwan	57.2	758,955	1,327,933
75040	Hong Kong	60.6	3,247,303	5,357,705
75045	Korea	54.0	5,234,549	9,692,400
*75050	Korea	57.2	660,968	1,155,295
75105	Taiwan	76.4	31,445,626	41,138,872
*75110	Taiwan	67.2	30,637	45,586
*75115	Taiwan	53.5	11,475	21,465

LIST II.—COUNTRIES APPROACHING COMPETITIVE NEED LIMITS—Continued

TSUS	Country	Percent of World	Country total	World total
*75120	Taiwan	89.8	$ 754,999	$ 840,462
*75530	Malta	77.8	416,571	535,309
75604	Hong Kong	63.5	9,116,593	14,368,602
*75623	India	71.0	34,242	48,197
*75640	Hong Kong	78.4	8,258	10,534
*75645	Hong Kong	87.0	1,030,591	1,183,960
*75650	Hong Kong	49.6	9,425	19,018
77143	Taiwan	19.6	50,003,777	255,746,481
77145	Taiwan	64.5	1,871,612	2,901,290
77235	Taiwan	83.7	31,988,127	38,221,650
77295	Hong Kong	47.4	7,694,193	16,223,802
77305	Taiwan	48.7	1,529,172	3,141,870
*77435	Hong Kong	53.1	111,744	210,328
77445	Hong Kong	58.2	13,123,854	22,553,795
*79007	Hong Kong	49.8	1,813	3,640
*79015	Korea	63.6	702,582	1,104,751
79039	Taiwan	89.1	37,212,701	41,786,499
*79060	Taiwan	52.7	446,124	845,811
*79062	Taiwan	55.8	553,876	992,525
79070	Korea	85.7	28,933,648	33,743,704
*79110	Hong Kong	70.2	322,684	459,367
*79117	Peru	67.7	10,950	16,173
79128	India	56.4	8,063,044	14,286,840
79210	Mexico	57.2	1,813,420	3,171,651
79250	Philippines	62.3	4,677,084	7,504,503
79260	Hong Kong	71.0	3,170,096	4,464,977
79275	Hong Kong	80.4	1,443,918	1,796,019

*See List III.

LIST III.—POSSIBLE DE MINIMIS ITEMS

TSUS	Country	Percent of world	Country total	World total
10584	Israel	49.0	$294,890	$601,830
12115	Taiwan	48.9	6,192	12,654
12152	India	49.2	105,394	214,163
13032	Argentina	65.3	401,265	614,959
13040	Argentina	75.1	463,375	617,025
13135	Thailand	67.3	359,328	533,544
13551	Mexico	78.2	301,231	385,274
13580	Nicaragua	91.0	176,411	193,944
13695	Dominican Republic	58.0	31,442	54,179
13702	Dominican Republic	97.0	987,366	1,017,647
13740	Mexico	81.3	710,711	874,294
13789	Dominican Republic	98.6	705,766	715,642
14054	Israel	65.7	140,505	213,810
14135	Turkey	68.9	224,284	325,616
14553	Turkey	91.1	443,745	487,114
14642	Ecuador	76.2	79,397	104,207
14733	Jamaica	90.0	72,799	80,929
14780	Thailand	48.6	29,093	59,914
14785	Brazil	52.9	335,863	634,642
14819	Israel	67.1	40,337	60,087
15200	Jamaica	100.0	1,119	1,119
15230	Dominican Republic	48.5	47,953	98,861
15243	Dominican Republic	89.6	208,830	233,077
15258	India	51.4	446,635	869,783
15278	Honduras	66.8	46,151	69,079
15440	Taiwan	68.0	210,248	309,319
15443	Taiwan	69.9	39,203	56,093
15460	Taiwan	57.4	157,565	274,606
15175	Israel	66.5	115,630	173,997
16211	Syria	49.6	3,700	7,456
16813	Trinidad Island	99.7	541,895	543,683
16836	Peru	100.0	1,116	1,116
16837	Argentina	86.2	47,097	54,662
16841	Peru	100.0	869	869
16842	Yugoslavia	65.2	7,733	11,864
16854	Yugoslavia	77.8	223,946	287,778
16859	Yugoslavia	71.4	48,688	68,182
16861	Yugoslavia	66.0	13,195	20,000
16947	Brazil	100.0	4,218	4,218
17615	Brazil	95.7	177,170	185,051
17670	India	57.7	321,529	557,026
18290	Panama	71.7	791,892	1,104,305
18453	Argentina	66.8	702,062	1,051,084
18465	Taiwan	47.5	116,411	245,117
19085	Bahamas	52.1	33,245	63,862
20320	Taiwan	91.3	36,467	39,967
20645	Haiti	77.3	26,632	34,468
22010	Portugal	98.3	864,558	879,145
22015	Portugal	95.9	70,363	73,387
22035	Portugal	86.8	25,918	29,868
22037	Portugal	95.9	25,957	27,071
22041	Portugal	94.2	49,050	52,082
22234	Taiwan	80.8	23,741	29,443
22236	Taiwan	64.8	158,320	244,451
24010	Brazil	93.0	714,568	768,492

LIST III.—POSSIBLE DE MINIMIS ITEMS—Continued

TSUS	Country	Percent of world	Country total	World total
24012	Brazil	85.2	$ 109,131	$ 128,090
24019	Taiwan	64.0	667,315	1,032,406
24030	Costa Rica	100.0	400	400
24032	Panama	97.9	13,869	14,182
24050	Hong Kong	100.0	503	503
24500	Argentina	100.0	2,462	2,462
25125	Taiwan	100.0	889	889
25440	Portugal	100.0	34,586	34,586
27423	Taiwan	93.0	6,440	6,922
30440	Thailand	98.5	18,046	18,322
30444	Brazil	92.7	62,300	67,202
30448	Brazil	49.1	36,400	74,107
30458	India	74.7	1,880	2,518
30520	Thailand	56.6	351,386	620,429
30528	Thailand	56.2	217,348	387,045
30530	Bangladesh	62.7	702,181	1,120,141
30671	Chile	87.7	10,242	11,675
30672	Argentina	87.1	43,759	50,251
30618	Argentina	100.0	1,352	1,352
30630	Brazil	73.5	270,314	367,928
31530	Portugal	59.5	86,190	144,916
31580	Thailand	95.7	884,258	923,542
31585	Thailand	96.5	166,824	172,960
31590	Thailand	84.2	137,782	163,666
31595	Thailand	51.5	5,527	10,727
31907	India	63.3	96,393	152,372
33550	India	80.2	71,883	89,681
33910	Mexico	63.7	526,996	826,754
35625	Israel	55.7	680,703	1,222,803
36035	India	91.6	904,386	987,151
36121	Philippines	100.0	1,313	1,313
36414	Taiwan	53.8	7,527	13,994
41276	Israel	60.8	341,375	561,062
41280	Mexico	59.1	467,356	791,388
41800	Mexico	56.1	135,700	242,022
41824	India	87.2	312,346	358,066
41878	Mexico	57.1	580,132	1,015,771
41900	Peru	99.9	321,064	321,328
42024	Israel	51.8	275,942	532,734
42070	Israel	95.1	103,853	109,242
42062	Israel	78.8	274,070	347,897
42274	Mexico	100.0	324,964	324,964
42276	Mexico	82.5	644,830	782,018
42388	Mexico	81.6	982,165	1,203,448
42500	Taiwan	87.1	2,600	2,985
42610	Portugal	100.0	1,890	1,890
42716	Argentina	92.6	231,340	249,862
42725	Argentina	74.2	14,907	20,080
43510	Costa Rica	77.7	69,992	90,123
43713	India	68.5	106,551	155,551
43716	India	100.0	156,955	156,955
44610	Malaysia	71.6	178,111	248,903
45010	Singapore	61.3	50,000	81,515
45228	Israel	95.7	54,567	56,997
45518	Colombia	76.1	48,750	64,066
46115	Bermuda	82.3	74,842	90,929
46565	Costa Rica	100.0	1,000	1,000
47336	Cyprus	53.9	11,125	20,659
47356	Mexico	87.1	351,862	403,800
47382	Korea	99.4	466,693	469,668
49012	Malaysia	79.3	176,828	223,058
49030	Israel	100.0	1,158	1,158
49320	Taiwan	99.4	119,367	120,094
51131	Mexico	59.3	419,180	706,676
51151	Mexico	47.3	4,080	8,623
51151	Hong Kong	52.7	4,543	8,623
51434	Mexico	100.0	1,152	1,152
51441	Taiwan	48.5	8,427	17,375
51454	Mexico	79.5	34,804	43,788
51551	Mexico	59.7	9,700	16,245
51624	Brazil	100.0	36,000	36,000
51671	India	91.9	593,299	645,266
51673	India	92.9	50,707	54,564
51674	India	76.4	160,422	209,890
51694	India	63.6	172,420	271,137
52037	India	85.5	31,771	37,179
52271	Somalia	62.7	25,000	39,848
52351	Taiwan	72.8	2,058	2,827
53315	Taiwan	70.2	482,780	687,643
53474	Taiwan	64.3	41715	7,335
53476	Taiwan	47.9	201,055	419,957
54565	Mexico	77.5	680,018	877,309
54565	Taiwan	64.7	621,169	960,372
54741	Hong Kong	74.3	39,882	53,664
60648	Portugal	61.1	747,169	1,222,380
61205	Chile	100.0	91,030	91,030
61215	Mexico	80.0	234,588	293,248
61230	Yugoslavia	95.8	135,784	142,065
62220	Brazil	74.7	73,520	98,453
62434	Mexico	53.0	24,108	45,522
62442	Mexico	83.1	37,662	45,334

LIST III.—POSSIBLE DE MINIMIS ITEMS—Continued

TSUS	Country	Percent of world	Country total	World total
62895	Korea	100.0	$3,080	$3,080
63260	Bolivia	74.4	419,070	578,653
64245	Mexico	58.9	271,227	460,580
64440	Brazil	96.3	64,023	66,509
64604	Taiwan	87.0	9,000	10,346
64647	Taiwan	65.3	62,414	95,636
64662	Taiwan	53.4	97,376	182,221
64686	Hong Kong	59.6	171,897	288,252
64688	Taiwan	91.1	40,644	44,593
64698	Mexico	75.5	585,503	775,781
64871	Taiwan	70.4	711	1,010
64891	Taiwan	54.5	377,937	693,694
64971	Hong Kong	80.2	4,483	5,587
64973	Korea	77.7	3,673	4,730
64975	Taiwan	83.2	68,254	82,010
65047	Taiwan	88.5	249,483	281,971
65079	Hong Kong	56.6	25,132	44,373
65087	Hong Kong	71.3	77,921	109,320
65101	India	86.8	28,788	41,820
65103	Taiwan	61.6	42,347	68,693
65104	Hong Kong	100.0	785	785
65115	Taiwan	56.1	176,925	315,148
65146	Taiwan	52.3	535,358	1,024,289
65151	Korea	58.0	130,432	224,816
65162	Taiwan	75.8	1,344	1,774
65213	Taiwan	68.3	3,403	4,983
65236	Hong Kong	73.8	75,423	102,166
65245	Hong Kong	94.5	7,638	8,083
65303	Mexico	55.8	337,037	604,208
65347	Taiwan	62.8	500,307	979,286
65370	Taiwan	64.1	40,488	63,122
65620	Hong Kong	48.8	10,740	22,008
66218	Taiwan	100.0	899	899
66832	India	66.3	1,832	2,763
67210	Hong Kong	82.1	692,271	842,942
69464	Romania	88.4	19,740	22,330
70215	Mexico	58.7	701	1,194
70220	Korea	65.7	163,461	248,631
70232	Mexico	67.3	278,580	414,231
70235	Indonesia	70.1	61,421	87,610
70245	Brazil	80.4	26,390	32,840
70434	Taiwan	54.5	22,705	41,674
70495	Philippines	63.1	105,607	167,237
70633	Taiwan	51.7	8,553	16,545
70637	Taiwan	67.3	210,323	312,352
70650	Hong Kong	74.8	156,896	209,696
71006	Israel	98.6	262,299	265,929
71067	Korea	79.9	3,752	4,695
71131	Brazil	79.0	647,791	819,764
71307	Taiwan	81.9	17,070	20,836
71317	Taiwan	78.7	597,664	759,784
71319	Taiwan	59.4	198,860	334,827
72520	India	55.3	56,324	101,872
73029	Philippines	94.8	527,429	556,071
73110	Taiwan	62.2	438,852	705,478
73150	Taiwan	47.8	291,483	609,188
73250	Taiwan	57.3	126,024	219,922
73430	Hong Kong	56.8	309,000	543,838
73434	Hong Kong	62.0	772,948	1,247,601
73460	Taiwan	69.9	184,492	263,884
73471	Taiwan	47.9	190,522	397,762
73472	Taiwan	54.8	580,816	1,060,591
73511	Taiwan	84.1	182,777	217,261
74120	Hong Kong	92.7	88,767	95,759
74550	Taiwan	64.1	7,223	11,261
74570	Taiwan	54.0	58,128	107,581
74812	Haiti	67.0	77,056	115,016
74815	Taiwan	69.0	307,150	444,878
74836	Taiwan	50.8	109,878	216,391
75005	Hong Kong	59.8	146,061	244,320
75050	Korea	57.2	660,968	1,155,295
75110	Taiwan	67.2	30,637	45,586
75115	Taiwan	53.5	11,475	21,465
75120	Taiwan	89.8	754,999	840,462
75530	Malta	77.8	416,571	535,309
75623	India	71.0	34,242	48,197
75640	Hong Kong	78.4	8,258	10,534
75645	Hong Kong	87.0	1,030,591	1,183,960
75650	Hong Kong	49.6	9,425	19,018
77435	Hong Kong	53.1	111,744	210,328
79007	Hong Kong	49.8	1,813	3,640
79015	Korea	63.6	702,582	1,104,751
79060	Taiwan	52.7	448,124	845,811
79062	Taiwan	55.8	553,876	992,525
79110	Hong Kong	70.2	322,684	459,367
79117	Peru	67.7	10,950	16,173

LIST IV.—POSSIBLE REDESIGNATION ITEMS

TSUS	County	Percent of world	County total	World total
11404	Thailand	43.8	$2,097,654	$4,786,494
12135	India	49.9	1,776,146	3,562,144
13037	Argentina	40.3	277,073	687,783
14011	Chile	2.5	60,370	2,424,437
14014	Thailand	36.4	290,070	796,322
14509	Dominican Republic	36.1	602,259	1,668,392
14622	Turkey	49.2	3,526,529	7,162,553
15520	Argentina	6.0	41,375,758	692,643,885
15520	Colombia	1.0	6,679,264	692,643,885
15520	Guatemala	2.6	18,156,942	692,643,885
15520	Panama	3.7	25,599,336	692,643,885
15520	Swaziland	3.9	27,243,050	692,643,885
16896	Mexico	49.6	12,400,103	25,012,350
24021	Philippines	30.5	761,661	2,500,380
24530	Brazil	35.2	836,716	2,376,278
31525	Mexico	49.8	1,834,675	3,686,936
38961	Taiwan	39.3	33,953,861	86,447,416
40212	Brazil	46.4	147,071	316,654
40606	Korea	19.6	74,522	379,855
40709	Argentina	0.0	0	701,672
41320	Mexico	38.8	571,814	1,475,107
41324	Korea	39.9	1,944,509	4,873,979
41880	Argentina	0.0	0	48,013
42584	Netherlands Antilles	20.1	574,540	2,864,009
42630	Brazil	13.8	1,455,111	10,515,668
42686	Brazil	23.0	4,143,869	18,002,281
43764	Brazil	47.0	2,698,896	5,743,847
45244	Brazil	47.4	622,543	1,313,916
52261	Brazil	0.0	0	126,444
54553	Mexico	48.1	6,419,341	13,911,968
61206	Peru	3.7	12,437,034	334,705,796
61206	Zambia	5.7	18,931,289	334,705,796
61815	Venezuela	8.9	774,658	8,744,423
63202	Bolivia	23.2	740,614	3,190,621
64632	Korea	21.5	207,290	964,883
65149	Taiwan	45.0	1,141,558	2,536,963
67435	Taiwan	6.4	44,578,952	694,929,502
67620	Taiwan	18.0	42,948,836	238,975,818
68453	Hong Kong	0.0	0	165,628
68455	Hong Kong	17.0	1,609,791	9,465,047
68470	Korea	9.8	39,821,865	405,553,875
68540	Taiwan	2.5	35,992,516	1,441,854,209
68730	Malaysia	41.3	12,377,123	29,991,320
68843	Hong Kong	16.1	22,638,943	140,492,182
69835	Taiwan	45.5	2,959,402	6,504,073
70355	Portugal	0.0	0	394,252
70844	Hong Kong	39.9	500,820	1,254,062
72532	Taiwan	48.0	2,321,324	4,836,591
72723	Taiwan	32.4	1,849,921	5,708,212
73091	Mexico	37.2	282,545	759,474
73415	Taiwan	45.3	11,010,149	24,304,871
73440	Taiwan	22.0	125,823	572,158
73485	Korea	34.6	376,014	1,085,715
73512	Taiwan	46.0	1,005,361	2,184,671
73723	Taiwan	44.0	9,765,570	22,209,370
74125	Hong Kong	42.7	485,633	1,138,504
77203	Hong Kong	27.4	267,324	976,461
79003	Taiwan	42.5	3,764,225	8,848,547

[FR Doc. 83-1341 Filed 1-17-83; 8:45 am]
BILLING CODE 3190-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan No. 2072; Amdt. 2]

Arkansas; Declaration of Disaster Loan Area

Declaration #2072 (47 FR 57185) and Amendment #1 (48 FR 565) are amended in accordance with FEMA's declaration of December 23, 1982, to include Clay, Desha, Montgomery, and Monroe Counties in the State of Arkansas. All other information remains the same, i.e., the termination dates for filing applications for physical damage is close of business on February 11, 1983, and for economic injury until the close of business on September 13, 1983.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: December 29, 1982.

Heriberto Herrera,

Acting Administrator.

[FR Doc. 83-1374 Filed 1-17-83; 8:45 am]
BILLING CODE 8025-01-M

[Declaration of Disaster Loan No. 2071; Amdt. 2]

Missouri; Declaration of Disaster Loan Area

The above numbered declaration (47 FR 57185) and Amendment #1 (48 FR 565) are amended by adding the adjacent Counties of Gasconade, Laclede, Madison, Scott and the City of St. Louis in the State of Missouri as a result of damage caused by severe storms, tornadoes and flooding beginning on December 1, 1982. All other

information remains the same, i.e., the termination date for filing applications for physical damage is close of business on February 10, 1983, and for economic injury until the close of business on September 12, 1983.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59006)

Dated: January 3, 1983.

Heriberto Herrera,

Acting Administrator.

[FR Doc. 83-1373 Filed 1-17-83; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of San Diego will hold a public meeting at 9 a.m., on Monday, February 14, 1983, at the Federal Building, 880 Front Street, Room 2-S-14, San Diego, California, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call George P. Chandler, Jr., District Director, U.S. Small Business Administration, 880 Front Street, Room 4-S-29, San Diego, California (714) 293-5430.

Jean M. Nowak,

Director, Office of Advisory Councils.

January 11, 1983.

[FR Doc. 83-1372 Filed 1-17-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Change in Reimbursement Provided To Financial Institutions Operating on Government Installations

This notice states Treasury's policy with respect to reimbursing financial institutions for providing banking services to Federal agencies in connection with operating offices on Government installations.

As of January 1, 1983, Treasury policy with respect to reimbursing such offices on military installations is:

(1) There will be no Treasury reimbursement for net operating expenses incurred by any military banking facility on a military base;

(2) There will be no Treasury reimbursement to banking offices for furnishing cash to military finance (disbursing) officers.

(3) (a) There will be no Treasury reimbursement for handling Treasury General Account deposits of self-sustaining banking offices and (b) only banking offices which are DOD-certified to be non-self-sustaining will be reimbursed for accepting and handling TGA deposits. Allowance by DOD of free rent and logistic support is essential to the non-self-sustaining certification which will support Treasury reimbursement.

Where reimbursement is provided, the amount will be the net loss reported by the bank in operating the banking office or the cost of servicing the Treasury's General Account, whichever is less.

The policy will be implemented on a phased-in basis after January 1, 1983 for those banks operating on military installations and receiving Treasury reimbursement. At a later date in 1983, the policy will be extended to financial institutions operating on civilian installations such as Government owned or leased buildings, after notice to the Federal agencies and financial institutions concerned.

The policy will also apply to all financial institutions which may, in the future, be authorized and designated to provide services to Federal agencies in connection with operating on Government installations.

Questions concerning this notice may be directed to the Office of the Fiscal Assistant Secretary, Department of the Treasury, Washington, DC 20220. Telephone (202) 566-2633.

Dated: January 12, 1983.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 83-1304 Filed 1-17-83; 8:45 am]

BILLING CODE 4810-35-M

Internal Revenue Service

Information Returns—Proposed Consolidated Forms 1099—MISC, Statement for Recipients of Miscellaneous Income: Form 1099-G, Statement for Recipients of Certain Government Payments; and Form 1096, Annual Summary and Transmittal of U.S. Information Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed consolidated information returns.

SUMMARY: The Internal Revenue Service is proposing for public comment a consolidation of the 1099/1087 information return reporting series. Under the present system there are 13 Forms 1099, 6 Forms 1087, and a Form 4347. Under the proposed system, there would be 9 Forms 1099 for payments made after 12-31-82.

The proposal includes the following features:

(1) Forms 1087 would be eliminated, and nominess (persons who receive Forms 1099 showing income received on behalf of another person) would file instead another Form 1099 showing the actual owner of the income as the recipient. Copy A of the "nominee" return would be sent to the appropriate Service Center using Form 1096 as the transmittal document with the appropriate nominee box checked.

(2) Form 1099-DIV has been changed so it can be used to report distributions made as a part of a liquidation. Cash payments will be shown in box 8 and noncash distributions in box 9. Box 4 will be used to report the 10% income tax withheld from payments of dividends made after June 30, 1983. Form 1099L has been eliminated. Form 1099-DIV is not illustrated in this notice.

(3) Form 1099-INT has been changed so it can be used to report interest from bearer certificates of deposit. That interest will be shown in box 1 with regular interest. Box 4 would be used to report the 10% income tax withheld from payments of interest made after June 30, 1983. Form 1099-BCD has been eliminated. Form 1099-INT is not illustrated in this notice.

(4) Form 1099-MISC would be used to report the following:

Type of income	Formerly reported on form 1099
Box 1. All types of rent	MISC.
Box 2. Royalties	MISC.
Box 3. Prizes and awards	MISC.
Box 4. Federal income tax withheld	
Box 5. Fishing boat crewmembers' shares	F.
Box 6. Medical and health care payments	MED.
Box 7. Nonemployee compensation	NEC.
Box 8. Direct sales of $5,000 or more	

Box 4 would be used in 1984 to show Federal income tax withheld where the Federal identifying number for the recipient is not furnished or is inaccurate. Forms 1099-F, 1099-MED, and 1099-NEC would be eliminated.

(5) Forms 1099-ASC, OID, PATR, and R would remain basically the same as the 1982 versions and are not illustrated in this notice. However, for 1983 a box for reporting the Federal income tax withheld would be added to Forms 1099-OID, 1099-PATR and 1099-R.

(6) New Form 1099-B, Statement for Recipients of Proceeds from Brokers and Barter Exchanges, will be developed to implement section 6045, as amended by the Tax Equity and Fiscal Responsibility Act of 1982. This form is still being developed and is not included in this notice.

(7) A New form 1099-G, Statement for Recipients of Certain Government Payments, would be developed (primarily for use by government agencies) to report the following:

a. Unemployment compensation,
b. State and local income tax refunds,
c. Agriculture program payments, and
d. Taxable government grants.

Form 1099–UC and 4347 would be eliminated.

(8) Form 1096 would be revised to reflect the consolidated returns. It is shown here primarily to illustrate the nominee return procedure that would replace the use of Forms 1087.

The Service will consider all comments and suggestions when deciding whether to adopt these proposals. Please comment specifically on any anticipated savings or additional costs of filers of Forms 1099.

The regulations under Code sections 6041 through 6050 would be revised accordingly to reflect these reporting requirements if the proposals are adopted.

DATE: Written comments and suggestions should be mailed or delivered by March 4, 1983.

ADDRESS: Written comments and suggestions should be mailed to Chairman, Tax Forms Coordinating Committee, Internal Revenue Service, Room 5577, 1111 Constitution Avenue, NW., Washington, DC 2024.

FOR FURTHER INFORMATION, CONTACT: Mr. Ray Nolan, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, telephone (202) 566–3601 (not a toll-free telephone number).

SUPPLEMENTARY INFORMATION:

Present Forms

1099–ASC Statement for Recipients of Interest on All-Saver Certificates
1099–BCD Statement for Recipients of Interest on Bearer Certificates of Deposit (would be eliminated and replaced by Form 1099–INT)
1099–DIV Statement for Recipients of Dividends and Distributions
1099–F Statement for Certain Fishing Boat Crewmembers (would be eliminated and replaced by Form 1099–MISC)
1099–INT Statement for Recipients of Interest Income
1099–L U.S. Information Return for Distributions in Liquidation During Calendar Year (would be eliminated and replaced by Form 1099–DIV)
1099–MED Statement for Recipients of Medical and Health Care Payments (would be eliminated and replaced by Form 1099–MISC)
1099–MISC Statement for Recipients of Miscellaneous Income
1099–NEC Statement for Recipients of Nonemployee Compensation (would be eliminated and replaced by Form 1099–MISC)
1099–OID Statement for Recipients of Original Issue Discount
1099–PATR Statement for Recipients (Patrons) of Taxable Distributions from Cooperatives
1099–R Statement for Recipients of Total Distributions from Profit-Sharing, Retirement Plans, and Individual Retirement Arrangements
1099–UC Statement for Recipients of Unemployment Compensation Payments (would be eliminated and replace by Form 1099–G)
1087–ASC, 1087–DIV, 1087–INT, 1087–MED, 1087–MISC, and 1087–OID, have the same titles as their 1099 counterparts. All Forms 1087 would be eliminated.

Department of Agriculture Payments are reported to IRS on tape and are processed without a form number. Form 4347, Information Return by Persons Receiving Program Payments From the U.S. Department of Agriculture, is the equivalent of a Form 1087 for those payments. In the future Form 4347 will be eliminated and replaced by Form 1099–G.

Proposed Forms: 1099–ASC, 1099–B, 1099–G, 1099–DIV, 1099–INT, 1099–MISC, 1099–OID, 1099–PATR, and 1099–R.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the **Federal Register** for Wednesday, November 8, 1978.

Nelson A. Brooke,

Chairman, Tax Forms Coordinating Committee.

BILLING CODE 4830–01–M

For Official Use Only

OMB No.
Statement for Recipients of **1983**
Miscellaneous Income
Copy A
For Internal Revenue Service Center

Type or print PAYER'S name, address, ZIP code, and Federal identifying number.

95 ☐

Recipient's identifying number	1 Rents	2 Royalties	3 Prizes and awards	4 Federal income tax withheld

5 Fishing boat proceeds	6 Medical and health care payments	7 Nonemployee compensation	8 If you had direct sales of $5,000 or more, check this box . . . . . ▶ ☐

Name ▶

Type or print RECIPIENT'S name, address, and ZIP code above (Name must align with arrow).

For Paperwork Reduction Act Notice and instructions on completing this form, see Instructions for Form 1096.

Form **1099–MISC** 363–255–1 Department of the Treasury—Internal Revenue Service

OMB No.
Statement for Recipients of
Miscellaneous Income
Copy B
For Recipient

Type or print PAYER'S name, address, ZIP code, and Federal identifying number.

Recipient's identifying number	1 Rents	2 Royalties	3 Prizes and awards	4 Federal income tax withheld

5 Fishing boat proceeds	6 Medical and health care payments	7 Nonemployee compensation	8 If you had direct sales of $5,000 or more, check this box . . . . . ▶ ☐

Type or print RECIPIENT'S name, address, and ZIP code above (Name must align with arrow).

For Paperwork Reduction Act Notice and instructions on completing this form, see Instructions for Form 1096.

Form **1099–MISC** **See Back of This Copy for Reporting Instructions** 363–255–1 Department of the Treasury—Internal Revenue Service

Instructions to Recipient

Amounts shown on this return are required to be reported to you and to the Internal Revenue Service. They may, or may not, be taxable income to you. If you are an individual, report them on your tax return as follows: (Other taxpayers report the amounts on corresponding lines of your tax return.)

Box 1 and 2.—On Schedule E (Form 1040).

Box 3.—On Schedule C or F if it is trade or business income to you.

Box 4.—This is the Federal income tax withheld from your payments. You may take a credit for the tax withheld in computing your tax.

Box 5.—An amount in this box means the fishing boat operator considers you self-employed. Report this amount on your Schedule C if you are filing as self-employed. If you are not self-employed, report it.

Box 6.—Show this amount on Schedule C (Form 1040).

Box 7.—Generally these amounts are considered income from self-employment. Report them as part of your trade or business income on Schedule C or F (Form 1040). If you are not self-employed, amounts paid to you for services rendered are generally reported on Form 1040 on the line for Wages, Salaries, Tips, etc.

Box 8.—An entry in this box means sales to you of consumer products on a buy-sell, deposit-commission, or any other basis for resale, have amounted to $5,000 or more. The person filing this return does not have to show a dollar amount in this box.

See **Publication 533, Self-Employment Tax** for more information on amounts considered self-employment income. Further, since no income on social security taxes will be withheld by the payer you may be required to make a declaration of estimated taxes. See Form 1040–ES Declaration of Estimated Tax for Individuals.

☆ U.S. GOVERNMENT PRINTING OFFICE : 1982—O-363-255

363–255–1

OMB No.

Statement for Recipients of

Miscellaneous Income

Copy C
For Payer

Type or print PAYER'S name, address ZIP code, and Federal identifying number.

Recipient's identifying number	1 Rents	2 Royalties	3 Prizes and awards	4 Federal income tax withheld
5 Fishing boat proceeds	**6 Medical and health care payments**	**7 Nonemployee compensation**	**8 If you had direct sales of $5,000 or more, check this box . . . . . ▶ ☐**	

Type or print RECIPIENT'S name, address, and ZIP code above (Name must align with arrow).

For Paperwork Reduction Act Notice and instructions on completing this form, see Instructions for Form 1096.

Form **1099–MISC** 363–255–1 Department of the Treasury—Internal Revenue Service

OMB No.
Statement for Recipients of **1983**
Certain Government Payments
Copy A
For Internal Revenue Service Center

Type or print PAYER'S name, address, ZIP code, and Federal identifying number

Recipient's identifying number	1 Unemployment compensation	2 Income tax refunds	3 Taxable grants	4 Federal income tax withheld

Type or print RECIPIENT'S name, address, and ZIP code below.

5 Agriculture payments

For Paperwork Reduction Act Notice see Instructions for Form 1096.

Form **1099–G** 363–117–1 Department of the Treasury—Internal Revenue Service

OMB No.
Statement for Recipients of **1983**
Certain Government Payments
Copy B
For Recipient

Type or print PAYER'S name, address, ZIP code, and Federal identifying number

Recipient's identifying number	1 Unemployment compensation	2 Income tax refunds	3 Taxable grants	4 Federal income tax withheld

Type or print RECIPIENT'S name, address, and ZIP code below.

5 Agriculture payments

This information is being furnished to the Internal Revenue Service

Form **1099–G** 363–117–1 Department of the Treasury—Internal Revenue Service

OMB No.
Statement for Recipients of **1983**
Certain Government Payments
Copy C
For Payer

Type or print PAYER'S name, address, ZIP code, and Federal identifying number

Recipient's identifying number	1 Unemployment compensation	2 Income tax refunds	3 Taxable grants	4 Federal income tax withheld

Type or print RECIPIENT'S name, address, and ZIP code below.

5 Agriculture payments

For Paperwork Reduction Act Notice see Instructions for Form 1096.

Form 1099-G 363-117-1

Department of the Treasury—Internal Revenue Service

For Official Use Only

OMB No.

Form **1096**
Department of the Treasury
Internal Revenue Service

Annual Summary and Transmittal of U.S. Information Returns

▶ For Paperwork Reduction Act Notice, see Instructions for Form 1096.

1983

Enter in the appropriate space below the identifying number you used as the payer on the attached information returns. Do not fill in both numbers.

Enter number of documents

E. I. number | Social security number

69 ☐

Type or print PAYER'S name, address, and ZIP code below (Name must align with arrow.)

Name ▶

Place an "X" in the proper box to identify type of document being transmitted

1099 ASC 84	NOMINEE ASC 73	1099 DIV 91	NOMINEE DIV 71	1099 INT 92	NOMINEE INT 72	1099 MISC 95	NOMINEE MISC 77	1099 PATR 97	1099 R 98

If you are a nominee transmitting Forms 1099 that were used to report payments received by you on behalf of another use a separate Form 1096 and be sure to check the "nominee" block only.

(Magnetic tape filers: See the applicable Revenue Procedures regarding transmittal of returns on magnetic tape.)

Under penalties of perjury, I declare that I have examined this return, including accompanying documents and to the best of my knowledge and belief, it is true, correct, and complete. In the case of documents without recipients' identifying numbers I have complied with the requirements of the law by requesting such numbers from the recipients, but did not receive them.

Signature ..... Title ..... Date .....

363-256-1

Note: Form 1096 as shown here is for purposes of illustrating how the "nominee" form will be used. Forms 1099-G, 1099-B, and 1099-OID will appear on the 1983 form. The Service is also considering the addition of "total" boxes to reconcile money fields to the Form 1096.

EXCERPT FROM

1983 Department of the Treasury
Internal Revenue Service

Instructions for Form 1096

Unless otherwise noted, references are to the Internal Revenue Code.

Paperwork Reduction Act Notice.—We ask for the information to carry out the Internal Revenue laws of the United States. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax. You are required to give us this information.

Highlights

For 1983, we have made some important changes. First, certain Forms 1099 have been consolidated:

1982 forms	1983 forms
1099–ASC	1099–ASC
1099–PATR	1099–PATR
1099R	1099R
1099–DIV	1099–DIV
1099L	" "
1099–INT	1099–INT
1099–BCD	" "
1099–OID	1099–OID
1099–MISC	1099–MISC
1099–NEC	" "
1099–F	" "
1099–MED	" "
1099–UC	1099–G
Form 4347	" "

Second, Forms 1087 have been eliminated. Form 1099 will be used for both regular 1099 reporting and also for nominee payments (formerly reported on Form 1087). When submitting forms to the Service Centers, you must use separate Forms 1096 to submit nominee forms. There will be no Forms 1087 for 1983.

Third, the Tax Equity and Fiscal Responsibility Act of 1982 added additional reporting requirements:

a. Withholding on dividends and interest.—A box has been added to Forms 1099–DIV, INT, and PATR to report amounts withheld.

b. Withholding on pensions and annuities.—A box has been added to Form 1099–R.

c. State and local income tax refunds.—A new Form 1099–G, Statement for Certain Government Payments, will be used.

d. Loans from retirement plans treated as distributions.—This required no change in the reporting form, but payers should be aware of the provision. See the 1099–R instructions.

e. Original issue discount.—The computation rules have been changed from monthly rates of inclusion to a daily rate. See Pub. 550, Investment Income and Expenses, for more information.

f. The definition of reportable interest has been changed.

g. Obligations issued after December 31, 1982 must be in a registered form or the interest paid on them is not tax-exempt.

h. "Backup withholding" will go into effect on 1/1/84. A box has been added to Form 1099–MISC and Form 1099–G to report the withholding. This box should not be used in 1983. It was added early to facilitate the writing of programs.

[FR Doc. 83-1131 Filed 1-17-83; 8:45 am]
BILLING CODE 4830-01-C

Office of the Secretary

[Department Circular Public Debt Series—No. 1–83]

Treasury Notes of January 31, 1985; Series Q–1985

Washington, January 13, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $7,250,000,000 of United States securities, designated Treasury Notes of January 31, 1985, Series Q–1985, Series Q–1985 (CUSIP No. 912827 PB 2). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated January 31, 1983, and will bear interest from that date, payable on a semiannual basis on July 31, 1983, and each subsequent 6 months on January 31 and July 31 until the principal becomes payable. They will mature January 31, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2 The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest therof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4 Securities registered as to principal and interest will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1 Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, January 19, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, January 18, 1983, and received no later than Monday, January 31, 1983.

3.2 Each tender must state the face amount of securities bid for. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3 Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in

part, to allot more or less than the amount of securities specifiied in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, January 31, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, January 27, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 83-1457 Filed 1-14-83; 2:47 pm]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 12
Tuesday, January 18, 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 COMMUNICATIONS COMMISSION

Closed Commission Meeting, Thursday, January 20, 1983

January 13, 1983.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, January 20, 1983, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Petition for Reconsideration in the Gilbert Broadcasting Corporation, Newark, New Jersey comparative AM radio proceeding (Docket Nos. 20407-10).

Hearing—2—Application for Review of a final Review Board Decision and related pleadings in the Fort Myers Beach, Florida FM proceeding (Docket Nos. 80-205 and 80-207).

Hearing—3—Application for Review of Designation Order in the Vine & Branch, Inc., Roanoke, Virginia UHF television comparative proceeding (BC Docket Nos. 82-604 to 82-607).

These items are closed to the public because they concern adjudicatory Matters (See 47 CFR 0.603 (j)).

The following persons are expected to attend:

Commissioners and their Assistants
Managing Director and members of his staff
General Counsel and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission: Hearing Items 1, 2 and 3, January 13, 1983. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp, voting to consider these items in Closed Session.

Issued: January 13, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[65 Filed 1-14-83; 3:06 pm]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Thursday, January 20, 1983

January 13, 1983.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, January 20, 1983, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Amendment of Part 83 of the Commission's rules to conform with the International Maritime Satellite Organization (INMARSAT) requirements. *Summary:* The Commission will decide whether to adopt a *Report and Order* which amends the Commission's rules and policies to conform with the INMARSAT requirements for maritime mobile-satellite ship stations.

General—2—*Title:* Further Notice of Proposed Rulemaking to amend Part 2 of the Commission's Rules to provide for an allocation of 6 MHz to the Government and non-Government for fixed service usage. (General Docket No. 82-243) *Summary:* The FCC is proposing to allocate the frequency bands 932-935 MHz, paired with 943-946 MHz, for fixed services to be shared on a co-equal, co-primary basis between Government and non-Government users. The FCC had previously planned to use the 899-902 MHz and 938-941 MHz bands for this purpose, but proposed use of the 898-902 MHz and 937-941 MHz bands by a new personal radio service would preclude fixed service use of these bands. Accordingly, a change in frequency bands for fixed services is being proposed.

General—3—*Title:* Requirements for Licensed Operators in Various Radio Services. *Summary:* The Commission will consider whether or not to adopt a Notice of Proposed Rule Making to eliminate licensed operator requirements in various radio services.

General—4—*Title:* Notice of Proposed Rulemaking to allocate spectrum for the establishment of a nationwide public air-ground telephone system. *Summary:* The Commission will consider the merits of RM-3524, filed by Airfone, Inc. and RM-3885, filed by Aeronautical Radio, Inc. Each petitioner has requested the allocation of spectrum in the 900 MHz region to establish a nationwide public air-ground telephone system.

Private Radio—1—*Title:* Amendment of Part 90 of the Commission's Rules and Regulations to Eliminate Certain restrictions on Non-voice Operations in the Private Land Mobile Radio Services. *Summary:* The Commission will consider whether to adopt a Report and Order which would relax two limitations on Private Land Mobile operations: (1) A two second limitation on non-voice communications; and (2) the secondary status of non-voice to voice communications.

Private Radio—2—*Title:* Temporary Permit for additional users of multiply-licensed mobile relay stations (repeaters) in the General Mobil Radio Service (GMRS). *Sunimary:* The Commission will consider whether or not to adopt final rules to provide for a Temporary Permit for certain users in the GMRS.

Private Radio—3—*Title:* Use of volunteers to prepare and administer operator examinations in the Amateur Radio Service. *Summary:* The Commission will consider whether or not to adopt a Notice of Proposed Rule Making to allow the use of volunteers for preparing and administering amateur radio examinations.

Private Radio—4—*Title:* Establishment of a class of amateur operator license not requiring proficiecy in the Morse code. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rule Making proposing to amend part 97 of the Rules to establish a class of amateur radio operator license that would not require applicants to demonstrate proficiency in the international Morse code.

Private Radio—5—*Title:* Inquiry in the matter of creation of an additional personal radio service. *Summary:* The Commission will consider whether to propose rules to create a new Citizens Band Land Mobile Private Radio Communications Service (PRCS) in the 898-902 MHz and 937-941 MHz bands.

Private Radio—6—*Title:* Notice of Proposed Rule Making to provide for the use of facsimile by the maritime mobile service. *Summary:* The FCC will consider whether to adopt a Notice of Proposed Rule Making to include in its rules provisions permitting use of the facsimile mode of communications between high seas vessels and the shore using frequencies between 2 and 27.5 MHz.

Private Radio—7—*Title:* Amendment of Part 87 of the rules to provide a transition period for the removal of the A3 class of emission (voice) from aeronautical radiobeacon stations. *Summary:* The FCC will consider whether to adopt a Notice of Proposed Rule Making which proposes to change the class of emission and emission designator authorized for the use at aeronautical radiobeacon stations. The action is necessary to make additional spectrum available for reassignment and to permit frequency assignments consistent with recommendations of the Federal Aviation Administration. The intended effect is to alleviate a frequency congestion problem associated with radiobeacon stations.

Common Carrier—1—*Title:* Amendment to the Uniform System of Accounts to revise Sections 31.2–21(e) and 31.100:4 (c)(3) of part 31 of the Commission's Rules and Regulations. *Summary:* The Commission will consider whether to adopt a Report and Order which raises the dollar amounts contained in the referenced sections thereby reducing the number of instances when carriers must obtain Commission approval of journal entries.

Common Carrier—2—*Title:* Amendment of Annual Report Form M for telephone companies to reflect changes in the depreciation techniques approved in Docket No. 20188. *Summary:* The Commission will consider whether to adopt a Report and Order amending the Annual Report Form M for telephone companies. The amendments are required to reflect changes in the carriers depreciation practices provided for the Docket No. 20188.

Common Carrier—3—*Title:* Application of Puerto Rico Telephone Company to be certified as an interstate and foreign carrier. *Summary:* The Commission will consider whether to certify the Puerto Rico Telephone Company (PRTC) under Section 214 of the Communications Act as an interstate and foreign carrier. PRTC wants to provide telephone service between Puerto Rico and points in and reached via the U.S. maintland and between Puerto Rico and the Virgin Islands.

Common Carrier—4—*Title:* Application of Puerto Rico Communications Authority for authority to provide off-island Telex and mailgram services. *Summary:* The Commission will consider whether to authorize the Puerto Rico Communications Authority to provide record communication services between Puerto Rico and the U.S. mainland.

Common Carrier—5—*Title:* Application of Puerto Rico Puerto Telephone Company to provide telephone service between Puerto Rico and Canada. *Summary:* The Commission will consider whether to authorize the Puerto Rico Telephone Company (PRTC) to acquire and operate up to 12 leased circuits for telephone service between Puerto Rico and Canada via the U.S. mainland.

Common Carrier—6—*Title:* AT&T and the BSOCs (Resale and Sharing of Interastate WATS Used for Completion of Interstate Communications). *Summary:* Satellite Business Systems (SBS) has filed a petition for a declaratory ruling by the Commission that the Bell System Operating Companies (BSOCs) should not refuse WATS connections within a state to carriers which intend to resell the service to endusers as a link in through interstate communications—despite any resale restrictions in the BSOCs' intrastate WATS tariffs. Other non-Bell interstate carriers, including Western Union, MCI, ARINC, and several certificated interstate resale carriers, have filed comments in support of SBS's petition; ARINC and the resellers advocate that the ruling be framed so as to encompass restrictions on shared use—as well as resale—of WATS for interstate distribution of interstate communications, whether by other common carriers or by private entities. AT&T (on behalf of the BSOCs), NARUC, and several state utilities commissions have filed in opposition. AT&T and NARUC urge the Commission to permit the BSOCs to continue to enforce resale and sharing restrictions on intrastate WATS used in interstate communications, until such time as the BSOCs shall have revised their ifiterastate WATS rates to be more usage-sensitive.

Video—1—*Title:* Request by the New York State Teachers' Retirement System for a waiver of the 1% ownership benchmark of the Commission's multiple ownership rules (Sections 73.35, 73.240, and 73.636) and the cable television cross-ownership rule (Section 76.501). *Summary:* The Commission will consider whether the petitioner is a sufficiently passive investor to be afforded the 5% ownership benchmark that presently applies to insurance companies, banks, and investment companies.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: January 13, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-66 Filed 1-14-83; 3:07 pm]

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Tuesday
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Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Permanent Regulatory Program; Submission of State Programs, Procedures and Criteria for Approval or Disapproval of State Programs and Small Operator Assistance

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 731, 732, and 795

Permanent Regulatory Program; Submission of State Programs, Procedures and Criteria for Approval or Disapproval of State Programs and Small Operator Assistance

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

ACTION: Final rule

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is amending its rules which relate to State Program submission requirements and approval or disapproval criteria for Small Operator Assistance, and which relate to revised standards for administration of the Small Operator Assistance Program (SOAP) under a permanent State regulatory Program or Federal regulatory program. The purpose of the revisions is to provide States with the flexibility needed for compliance with Section 507(c) of the Surface Mining Control and Reclamation Act of 1977.

EFFECTIVE DATE: February 17, 1983.

FOR FURTHER INFORMATION CONTACT: Douglas Growitz, Division of State Program Assistance and Evaluation, Office of Surface Mining, U.S. Department of Interior, Phone (202) 343-9104.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Rules Adopted and Responses to Public Comments on Proposed Rules.
III. Procedural Matters.

I. Background

On June 25, 1982 (47 FR 27744), OSM proposed revisions to its Small Operator Assistance Program rules in 30 CFR Part 795 and revisions to allow States to determine for themselves the best way of meeting the small operator assistance requirements of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act). Public comments were received until July 26, 1982.

The Act requires the implementation of permanent programs to regulate surface coal mining and reclamation operations in each State where coal is or may be mined. The Small Operator Assistance Program is authorized under Sections 201, 501, 502, and 507(c) of the Act. Section 401(b)(1) of the Act provides for a maximum of ten percent of the fees assessed on the production of coal for the abandoned Mine Land reclamation program to be made available for the SOAP. Furthermore, funds from the abandoned Mine Lands Reclamation Fund for the SOAP cannot exceed $10,000,000 during any year. Section 507(c) of the Act authorizes assistance to any coal surface mining operator whose probable total annual production at all locations will not exceed 100,000 tons. If the operator is found eligible, a qualified laboratory will provide the determination of probable hydrologic consequences and the statement of results of test borings or core sampling required by Sections 507(b)(11) and 507(b)(15) of the Act.

This document contains revisions to rules so that the regulatory authority, under an approved State or Federal permanent regulatory program, will regulate and administer the SOAP.

II. Rules Adopted and Responses to Public Comments on Proposed Rules

A. State Program Submission Requirements

Part 731 prescribes the minimum requirements for State program submission. Previous § 731.14(g)(16) is being amended by revising the requirement that a State program include a small operator assistance grants component. It will require the State's submission to include a narrative description of how the State will meet the requirements of Section 507(c) of the Act to provide for small operators a determination of the probable hydrologic consequences of mining and a statement of the results of test borings or core samplings. Thus, under the revised rule, States will have the option of requesting grant assistance for funds appropriated for the SOAP and establishing a Small Operator Assistance Program in accordance with the requirements in new Part 795 which are discussed below or proposing alternative ways to meet the requirements of Section 507(c) of the Act. This revision recognizes that there are a variety of mechanisms through which the State may provide the required section 507(c) analyses and statements, including use of the State's existing technical staff, without requiring the States to participate in the SOAP grants program. Costs for providing SOAP services using alternative mechanisms would be eligible for funding under the State's Administration and Enforcement grant as outlined in 30 CFR Part 735. Overall, this change is expected to be particularly significant in those States that have relatively few and intermittent small operations, and where the administrative expense involved with staffing, administering, and maintaining a separate SOAP grants program may exceed the benefits from the program.

No comments were received on this paragraph which is adopted as proposed.

B. Criteria for Approval or Disapproval of State Program Submissions

Part 732 contains the criteria for approval or disapproval of state programs. A companion to the change in § 731.14, § 732.15(b)(13) is amended to require small operator assistance provisions in State programs. Unlike the previous § 732.15(b)(13), such provisions will not have to parallel the SOAP program under 30 CFR Part 795. Under the new rule, State program submissions will be evaluated on their merits, whether they are similar to Part 795 or contain alternative mechanisms for meeting the requirements of section 507(c) of the Act.

No comments were received on this paragraph which is adopted as proposed.

C. Small Operator Assistance

The rules for small operator assistance in 30 CFR Part 795 are removed from Subchapter G, which contains the procedures regarding permitting and coal exploration and added as a new separate Subchapter H. The CFR part designation, Part 795, remains the same. This change recognizes that small operator assistance is a separate program and not a part of the permit requirements for surface coal mining and reclamation operations.

The regulations in 30 CFR Part 795 establish procedures for providing assistance to eligible small operators to obtain technical data required for permit applications under the permanent regulatory program. Comments on the proposed regulations were received from eight commenters and are discussed below.

Two commenters recommended that general editorial changes be made in the proposed rule. The first commenter suggested that the sections of the proposed rule be numbered sequentially for the sake of clarity. OSM accepts this suggestion. Accordingly, §§ 795.10 and 795.11, as proposed, are renumbered as final §§ 795.4 and 795.5, respectively. Sections 795.13, 795.14, 795.15, 795.16, 795.17, 795.18, and 795.19 of the proposed rule are renumbered as §§ 795.6, 795.7, 795.8, 795.9, 795.10, 795.11 and 795.12 of the final rule. The second commenter felt that all references to "he or she" and "his or her" in the proposed rules should be replaced by the usual and customary usage of "he". This suggestion was not adopted. It is no longer customary to refer to one gender

when people of both sexes may apply for assistance.

Section 795.1

Section 795.1, as proposed, contained a general statement of the scope and purpose of the rules governing the Small Operator Assistance Program (SOAP). It provided that the part comprises the small operator assistance program (SOAP) and governs the procedures for providing assistance to qualified small mine operators by the program administrator. That statement has been adopted with two editorial changes, one of which replaces the phrase "qualified small mine operators" with the term "eligible operators."

One commenter noted that § 795.1 of the proposed rule failed to explain the purpose of the SOAP. OSM agrees with this comment and a statement of purpose has been added. The new § 795.1 makes clear that Part 795 is an *elective* means for a regulatory authority to satisfy the requirements of Section 507(c) of the Act. The stated purpose is to provide eligible operators with a determination of probable hydrologic consequences and a statement of results of test borings or core samplings that must be submitted with a permit application.

Section 795.2

Section 795.2, as proposed, would have stated that OSM could elect to implement a Federal Small Operator Assistance Program (SOAP) in a State under three circumstances. Under proposed § 795.2(a), OSM had the option to implement a Federal SOAP in a State which had declared its intention not to submit a permanent regulatory program. Section 795.2(b), as proposed, allowed OSM to implement a Federal SOAP in a State which has received final disapproval of its permanent regulatory program if the State has failed to indicate its intention to file again for permanent program approval. Under § 795.2(c), as proposed, OSM could choose to implement a Federal SOAP in a State which requests OSM to implement an interim program on behalf of the State. Upon further consideration, OSM has determined that it is not necessary to adopt a section in Part 795 that provides for the implementation of a Federal SOAP. The provisions of 30 CFR Parts 733 and 736 already allow a Federal SOAP to be established if required and an additional section would be repetitive.

One commenter recommended that a new paragraph be added to § 795.2 of the proposed rule. Paragraph (d), as suggested by the commenter, would allow for the implementation of a Federal SOAP in a State which "requests OSM to implement the Program based on a demonstration that the State has relatively few, if any, requests for assistance." The commenter advocated the addition of such a provision to the proposed rule since the administrative expenses of staffing, administering, and maintaining a separate Federal grants program would exceed the benefits to be derived from such a program in States having few, if any, requests for SOAP assistance. This commenter contended that his proposed alternative would only require OSM to administer the program since efforts to identify data requirements could be coordinated by the State and OSM.

OSM has not accepted this suggestion. In amending § 731.14(g)(16) OSM has indicated it will evaluate and consider all reasonable alternatives by a State to provide for small operator assistance. OSM does not require a separate organization within the structure of the regulatory authority to provide services to a limited number of small operators, but requires only that the mechanism to provide services be in place. For example, one unit within the regulatory authority could be responsible for other functions as well as small operator assistance. This flexibility is being provided specifically so that states with few requests for assistance can satisfy the mandate of Section 507(c) of the Act without setting up a separate formal SOAP.

Section 795.3

Section 795.3, as proposed, specified definitions for the terms "program administrator" and "qualified laboratory." Final § 795.3 defines the State or Federal official having authority and responsibility for overall management of the SOAP to be the "program administrator."

The new rule also defines a "qualified laboratory" to include any designated public agency, private firm, institution, or analytical laboratory which can prepare the required determination of probable hydrological consequences or statement of results of test borings or core samplings under the SOAP.

One commenter felt that the definition of "probable hydrologic consequences" ought to be reinserted into the final version of § 795.3 since the term was not defined elsewhere in the rules. This commenter argued that such a definition was necessary to provide guidance on the objectives to be achieved by the SOAP.

An explanation of what is needed for a probable hydrologic consequences determination will be provided in the revisions to § 780.21(g) and 784.14(g) which are being accomplished in a separate rulemaking and is also included in the existing permitting regulations. To discuss the concept again here would be redundant.

Section 795.4

Proposed § 795.10 provided that the information collection requirements contained in proposed § 795.14, 795.15, and 795.17 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1029–0014, 1029–0060, and 1029–0062.

No comments were received on this section. This section is being renumbered as § 795.4 for the final rule and is discussed in more deatail in the Procedural Matters portion of this preamble.

Section 795.5

Under § 795.11, as proposed, a State intending to administer a SOAP under a grant from OSM could submit a grant application to OSM for funding of the program under the procedures of 30 CFR Part 735.

No comments were received on this section. This section is being adopted and renumbered as § 795.5 for the final rule.

Section 795.6

Section 795.13, as proposed, set forth the criteria governing an applicant's eligibility for assistance under SOAP. This section is being renumbered as § 795.6 for the final rule. New section 795.6 renders an applicant eligible for assistance if he or she meets all four of the criteria of paragraph (a). The first criterion requires that an applicant intend to apply for a permit under the Act. This is contained in § 795.6(a)(1).

The second set of criteria are contained in § 795.6(a)(2) which was proposed as § 795.13(a)(2). Under § 795.6, an applicant is eligible for assistance if he or she establishes that his or her probable total actual and attributed production from all locations will not exceed 100,000 tons during any consecutive 12-month period either during the term of his or her permit or during the first five years after issuance of his or her permit, whichever period is shorter.

One commenter felt that the phrase, "during the term of his or her permit" in §795.13(a)(2) of the proposed rule ought to be described to a greater extent. The same commenter asked whether the term of the permit expires when the operator has completed mining or when the bond has been released.

Permits are issued for specified terms not to exceed five years except when longer terms are authorized by the regulations. Complete bond release is not tied specifically to the permit term and occurs only after completion of all mining and reclamation activities and not before the end of the 5- or 10-year period of extended liability. Under new §§ 795.6(a)(2) and 795.12(a)(2), operator liability under the SOAP is related to total production after the permit is issued for a period not to exceed five years.

Specific provisions governing the attribution of production are also included for purposes of determining eligibility for SOAP assistance under new §§ 795.6(a)(2)(i) through 795.6(a)(2)(iv).

Referring to the standards for attribution of production in proposed § 795.13(a)(2), one commenter disputed the view expressed by OSM in the preamble to the proposal (47 FR 27745–27750, June 25, 1982) characterizing the proposed regulations as "more concrete and easier to apply." This commenter contended that the Act authorized OSM to promulgate rules which would approve individual State eligibility standards that comply with the 100,000 tons per year limitation provided in Section 507(c). The same commenter asserted that § 795.14(b), as proposed, took away the States' option to establish their own eligibility standards by requiring State regulatory authorities to comply with OSM's criteria on eligibility for assistance. On the latter point, the commenter felt that OSM should not expect coal-producing States to budget monies for SOAP beyond OSM's existing or proposed eligibility standards in view of the severe budget restraints on the States.

OSM believes that it has the authority and responsibility under the Act to set minimum standards, in this instance relating to eligibility. States in turn can develop eligibility standards that are no less effective than those established in this rulemaking and be fully reimbursed through the grants programs. Since Part 795 is an elective means of complying with Section 507(c) of the Act, setting less stringent standards for eligibility is not strictly prohibited. However, under new § 795.6(b), such alternative criteria may not be used as the basis for SOAP grant requests which exceed those that would be authorized under the criteria prescribed under § 795.6(a).

Under paragraph (i) of the proposed rule, the pro rata share of coal produced by operations in which the applicant owns more than a 5-percent interest must be attributed to the applicant.

No comments were received on § 795.6(a)(2)(i) and this paragraph is adopted as proposed.

Paragraph (ii) of the proposed rule required that the pro rata share of coal produced in other operations by persons owning more than 5 percent of the applicant's operation shall be attributed to the applicant, but only to the extent of the percentage of ownership of those operations. Paragraph (iii) of the proposed rule provided that all coal produced by operations owned by persons who directly or indirectly control the applicant by reason of ownership or direction of the management shall be attributed to the applicant, but only to the extent of the percentage of ownership of those operations.

One commenter complained that the criteria for determining eligibility for assistance under § 795.13(a)(2)(iii), as proposed, were still unclear. This commenter noted that although paragraph (iii) of the proposed rule seemed to overlap proposed paragraph (ii) with respect to a person owning the applicant's operation, the former provision omitted the five percent criterion. Paragraphs (ii) and (iii) have been restructured. Paragraph (ii) describes control through ownership, while paragraph (iii) describes control through direction of management. The 5 percent criterion is not included in new § 795.6(a)(2)(iii) because under that paragraph control of the applicant will not be specifically related to a fixed ownership percentage. Program administrators will be expected to examine carefully to determine whether indirect control of the applicant exists in fact, for instance, through contract mining arrangements.

The proposed references to "(A)ll coal produced * * * but only to the extent of the percentage of ownership of those other operations" was criticized by one commenter. OSM agrees with this comment in part. A change has been made to new § 795.6(a)(2) (ii) and (iii) which does not adopt the phrase "but only to the extent of the percentage of ownership of those operations." OSM believes that determination of the percentage of ownership of any operation other than the one for which the permit is sought becomes unnecessarily complex. Furthermore, the ownership information for outside operations may not be available to the regulatory authority.

One example illustrates the applicability of § 795.6(a)(2)(ii). Where a person who owns ten percent of the applicant also owns 50 percent of the production at another mine, the applicant must attribute to its operation ten percent of the entire production of the other mine. Although there could be other methods of determining the attributable production (*e. g.* 10 percent of 50 percent of the other mine's production, as was proposed), the method adopted is simple to administer and enables the regulatory authority to avoid considering the often complex and confusing ownership web of the other operations. This final provision is similar to but less restrictive than § 795.13(b)(3) of the previous rules.

Under paragraph (iv) of the proposed rule, all coal produced by operations owned by members of the applicant's family and their relatives had to be attributed to the applicant, unless it is established that there is no direct or indirect business relationship between or among them.

One commenter felt that the reference to "family and their relatives" in § 795.13(a)(2)(iv), as proposed, ought to be more specifically described. Accordingly, this commenter suggested that the proposed rule be revised to refer to the "applicant's family and their relatives who live under the same roof as the applicant."

OSM believes this suggestion would place too restrictive an interpretation on this term and could result in abuse and financial loss in the Program. The term family and relatives is commonly meant to include those persons related by blood or marriage. OSM deems this to be an appropriate interpretation as it may relate to attributed production in the SOAP and the proposed section is included in § 795.6(a)(iv).

Section 795.13(a)(3), as proposed, provided that an applicant is eligible for SOAP assistance if he or she is not restricted in any manner from receiving a permit under the permanent regulatory program. This was intended to deny assistance to those applicants who would be ineligible to receive permits, for instance, in cases of non-payment of reclamation fees required under Title IV of the act or where other necessary permit findings could not be made by the regulatory authority.

No comments were received and this paragraph is adopted as proposed in new § 795.6 (a) (3).

As proposed, §795.13(a)(4) precluded an applicant from being eligible for SOAP assistance if he or she organizes or reoganizes his or her company solely for the purpose of obtaining assistance.

No comments were received and this paragraph is adopted as proposed as new § 795.6(a)(4).

Under § 795.13 (b), as proposed, a State could provide alternate criteria or

procedures for determining the eligibility of an operator under the program, provided that such criteria may not be used as a basis for grant requests in excess of that which would be authorized under the criteria of paragraph (a) of proposed § 795.13. This paragraph has been adopted as § 795.6 (b).

Section 795.7

Section 795.14, as proposed, established the requirements for filing SOAP assistance applications. This section is being renumbered as § 795.7 for the final rule.

Proposed § 795.14 (a) required each application for assistance to include a statement of the operator's intent to file a permit application. No comments were received and this paragraph is adopted as proposed as § 795.7 (a).

Section 795.14(b), as proposed, provided that each application for assistance shall include the names and addresses of (1) the permit applicant, and (2) the operator if different from the applicant. No comments were received and this paragraph is adopted as proposed as § 795.7(b).

Section 795.14(c), as proposed, required an application for SOAP assistance to include a schedule of the estimated total production of coal from the proposed permit area and all other locations from which production is attributed to the applicant under proposed § 795.13. Proposed § 795.14(c) also specified four informational requirements which must be included in the schedule for each location: (1) The operator or company name under which coal is or will be mined; (2) the permit number and Mine Safety and Health Administration (MSHA) number; (3) the actual coal production during the year preceding the year for which the applicant applies for assistance and production that may be attributed to the applicant under proposed § 795.13; and (4) the estimated coal production and any production which may be attributed to the applicant for each year of the proposed permit. No comments were received on proposed § 795.14(c) which is adopted as proposed as new § 795.7(c).

Section 795.14(d) (1) and (2) of the proposed rule required each application for SOAP assistance to include descriptions of the proposed method of coal mining and the anticipated starting and termination dates of mining operations. No comments were received on these paragraphs which are adopted as proposed as new § 795.7(d) (1) and (2).

As proposed, § 795.14 (d)(3) provided that an application for assistance shall contain a description of the number of acres of land to be affected by the proposed mining operation. Under § 795.14(d)(4) of the proposed rule, the application was required to provide a general statement on the probable depth and thickness of the coal resource, including a statement of reserves in the permit area and the method by which they were calculated. Section 795.14(d)(5), as proposed, required a description of the mining equipment that will be used to be included in an application for assistance.

One commenter suggested that § 795.14 (d)(3) and (d)(4) be eliminated from the rule, as finally adopted, to simplify the operator's task of preparing an application for SOAP assistance. According to this commenter, elimination of the requirements would allow the operator to complete the application on his own. The commenter also observed that the laboratory could provide information on these items during the data collection stage.

Another commenter recommended that OSM seriously consider whether a statement of reserves in the permit area and a description of the mining equipment that will be used are really necessary to determine the reasonable accuracy of the operator's production information. This commenter characterized the information as proprietary and in most cases, sensitive. For this reason, the commenter felt that OSM should assure confidential treatment for such data as well as provide strict limitations on its use.

OSM agrees with these comments in part. Provisions have been adopted in § 795.7(d) (3) and (4). The information requirement of new § 795.7(d)(3) deals with the permit area, should be readily known, and is needed in defining the scope of the SOAP services to be provided. The information required in paragraph (d)(4) is a general statement and in many cases can be developed by the applicant. As discussed in the preamble to the proposed rule, this information is valuable in substantiating estimated production and thereby reducing the potential for initiating reimbursement procedures. OSM views this as protection for the applicant as well as for the regulatory authority. Finally OSM will assure that the information pertaining to the coal seam itself is exempt from public disclosure in accordance with provisions in 30 CFR 786.15. The provision in proposed § 795.7(d)(5) on mining equipment has not been adopted.

Proposed § 795.14(e) provided that an application for assistance shall include a topographic map which meets the requirements set forth in § 795.14(e)(1) through (4). The map must show the area of land to be affected by the proposed operation. OSM believes that the information in paragraph (e)(1) is necessary to determine the extent of the assistance to be provided. No comments were received and this paragraph is adopted as proposed as new § 795.7(e)(1).

Section 795.14(e)(2), as proposed, would have required that the names of property owners within the permit area and potentially impacted offsite areas be shown on the map included with the application for assistance.

One commenter suggested that the proposed rule be revised to require the names of owners *contiguous to the permit area* since a portion of the SOAP study would have to be conducted to determine which offsite areas would be potentially impacted by the applicant's proposed mining operation.

OSM concurs that requiring information relative to the "potentially impacted offsite area" would require a technical conclusion at a time when the study has not been initiated. Furthermore, the Office has decided not to adopt the information requirements of proposed § 795.14(e)(2) for several reasons. First, the information has no direct bearing on eligibility determinations. Second, it is not necessary in developing the scope of SOAP services to be provided. Finally, it may be duplicative in part of the information available through new § 795.17(f)(2).

As proposed, § 795.14(e) (3) and (4) required the map to show the location of any existing or proposed test borings as well as the location and extent of known workings of any underground mines. No comments were received and these sections are adopted as proposed in § 795.7(e) (2) and (3). These requirements must only be provided by the applicant if they are known. Such information may be supplemented or revealed as a result of the SOAP study.

Proposed § 795.14(f)(1) provided that an application for SOAP assistance shall include copies of documents showing the applicant's legal right to enter and commence mining within the permit area. No comments were received and this paragraph is adopted as proposed as new § 795.7(f)(1).

As proposed, § 795.14(f)(2) also required the application for assistance to include copies of documents which show that a legal right of entry has been obtained for the program administrator and laboratory personnel to inspect the lands to be mined and potentially impacted offsite areas for collection of

environmental data or installation of necessary instruments.

One commenter suggested that this requirement be eliminated since the potential impact of all offsite areas may not be known by the operator at the time of filing for assistance and since such areas will be determined during the assistance process of the SOAP.

Following the rationale given under the discussion of § 795.14(e)(2), as proposed, the Office will replace the term "potentially impacted offsite" with "adjacent". Otherwise, OSM believes having access to both the permit and adjacent areas is essential to performing the required SOAP studies and is adopting the requirement in new § 795.7(f)(2). Even if the precise impact on lands outside the permit area is not known, in general the applicant will know which lands are likely to be impacted and for which the right of entry is necessary.

Section 795.8

Proposed § 795.15 established the requirements for application approval and assistance. Section 795.15(a), as proposed, obliged the program administrator to provide the applicant written notice of the approval of his application for assistance if the administrator finds the applicant eligible and he or she does not have information readily available which would preclude issuance of a permit for mining in the area proposed.

One commenter suggested that the language "and he or she does not have information readily available which would preclude issuance of a permit to the applicant for mining in the area proposed," be deleted from the proposed rule since the same matter had been addressed in § 795.13(a)(3) of the proposed rule. OSM accepts this recommendation. Final rule§ 795.8(a), as adopted by OSM, will provide that an applicant shall be informed in writing of the approval of his application if the program administrator finds the applicant eligible.

Under § 795.15(b) of the proposed rule, an applicant found ineligible for SOAP assistance had a right to written notice of the denial of his application, including a statement of reasons for the denial. No comments were received on this provision and this paragraph is adopted as proposed as § 795.8(b).

As proposed, § 795.15(c) would have provided that the granting of assistance shall not be a factor in decisions by the State or OSM on a subsequent permit application.

One commenter suggested that proposed § 795.15(c) should not be adopted because it is not a condition of receiving assistance. OSM accepts this suggestion. Because permit issuance is not related to SOAP assistance, there is no need to make such a statement in the assistance regulations.

Section 795.9

In new § 795.9, OSM is combining the provisions of former § 795.12(a) and proposed § 795.16. OSM proposed to delete previous § 795.12 which was the general provision in the SOAP program that directed the regulatory authority to select and pay a qualified laboratory to make the determination and prepare the statement required by Section 507(c) of the Act. The rationale for the proposed deletion was to avoid repeating language contained in proposed § 795.16. After further consideration, OSM has concluded that the two former sections should be combined but that a statement of the basic program services is necessary. Accordingly, new § 795.9(a) will provide that to the extent possible with available funds the program administrator shall select and pay a qualified laboratory to make the determination and statement referenced in Section 507(c) of the Act for eligible operators who request assistance. The regulatory authority through the program administrator shall not be required by OSM to provide funds for the purpose of § 795.9(a) beyond those funds authorized by Section 401(b)(1) of the Act and appropriated by Congress. Through this statement, OSM is enlarging upon, but not changing the intent of § 795.12 of the previous SOAP rules. Section 795.9(b) explains the determination and statement needed and new § 795.10 sets forth the standards for qualified laboratories.

New § 795.9(b) requires the program administrator to determine the data that must be collected for each applicant or group of applicants. It has been revised from proposed § 795.16(a) in response to a comment that recommended that the final rule reference the correct revised sections of OSM's hydrology and geology rules. Although the revisions to the other rules have not been completed, the proposed paragraph numbers are being referenced with the understanding that no decision has been made to adopt the proposed hydrology and geology rules. The final SOAP rule will require that data collected by the qualified laboratories and the results provided to the program administrator shall be sufficient to satisfy the requirements for: (1) The determination of the probable hydrologic consequences (phc) of the mining and reclamation operations in the proposed permit area and adjacent areas in accordance with 30 CFR 780.21(g) and 784.14(g) and any other applicable provisions; and (2) the statement of the results of test borings or core samplings for the proposed permit area required in accordance with 30 CFR 780.22(b) and 784.22(b) and any other applicable provisions. Until such time as proposed §§ 780.21(g) and 784.14(g) for hydrology and §§ 780.22(b) and 784.22(b) for geology become finalized, existing §§ 779.13–779.14, 780.21(c), 783.13, 783.14, and 784.14(c) and any other applicable provisions are in effect to delineate the necessary requirements for the phc determination and the statement of results of test borings.

Proposed § 795.16(b) which allowed data collection and analysis under SOAP to proceed concurrently with the development of the operators mining and reclamation plans is adopted in new § 795.9(c).

As proposed, § 795.16(c) provided that data collected under the SOAP shall be made available in accordance with 30 CFR 786.15, the section governing public availability of information in permit applications. As no comments were received to the contrary, OSM is adopting this provision as proposed in § 795.9(d). Proposed § 795.16(c) further obligated the program administrator to develop procedures for interstate coordination and exchange of data. No comments were received and this paragraph will be adopted as proposed.

Section 795.10

Proposed § 795.17, which is being renumbered as § 795.10 for the final rule, has been revised. As proposed, § 795.17(a) would have continued the requirement of the previous § 795.17(a) that a list of qualified laboratories be maintained and published in the **Federal Register**. The proposed rule would have allowed States to qualify laboratories and those that did so would have been required to coordinate with OSM to maintain the required list. States, at their option would have been allowed to continue to have OSM qualify laboratories on behalf of the State. The entire qualification procedure would not have been tied to particular applications for SOAP assistance.

Two comments were received on the proposed provision. One commenter cited several reasons for the Office to be responsible for laboratory qualifications. The other commenter favored a joint responsibility with the option of choice belonging to each State.

OSM has given serious thought to the entire concept of laboratory qualification including time and costs involved, benefits gained, and effectiveness of the qualification

program based on its experience to date under the previous regulations in which it had the major responsibility to qualify laboratories. In retrospect, the laboratory qualification program has been of limited value to the States and to OSM as part of several Federal SOAPs. Furthermore, the program has had the unintended effect of unrealistically raising the expectations of firms qualified with regard to receiving contracts for SOAP services.

Section 507(c) of the Act requires only that technical services to small operators be provided by qualified laboratories. Several options are available to determine which laboratories are qualified. The method that OSM has chosen in this final rule is to consider the qualification requirements contained in § 797.10(a) as part of the selection process under § 795.9(a) and not necessarily a separate procedure to be undertaken in advance of specific applications for assistance. In this manner the entire process will be streamlined and simplified. States will have the option of considering the qualifications of firms on a case-by-case basis or, if they choose, determining generally which firms meet the qualification criteria and establishing a list of qualified laboratories. In either case, the regulatory authority must assume full responsibility for selecting qualified laboratories in its State. OSM will not qualify laboratories or publish a list of qualified laboratories in the **Federal Register**. The final rule reflects this philosophy and there will be no provision prescribing the method by which firms will be determined to be qualified laboratories.

Section 795.17(b), as proposed, specified the criteria governing the qualification of laboratories. Under proposed § 795.17(b)(1), a laboratory could meet the basic qualification standard by demonstrating compliance with the requirements specified in § 795.17(b)(1) (i) through (v) of the proposed rule. In addition, § 795.17(b)(2) of the proposed rule required that a qualified laboratory shall be capable of performing services for the determination of probable hydrologic consequences or statement of results of test borings or core samplings under the rules referenced in proposed § 795.16(a). In the final rule, the above-mentioned requirements of proposed § 795.17(b) (1) and (2) have been combined without substantive change into new § 795.10(a) (1) through (6). In response to a comment, the cross-references to the hydrology and geology permitting regulations have been updated (with the understanding that existing hydrology and geology provisions remain in effect until replaced). The cross-references in new § 795.10(a)(6) to the determination and statement to be provided under the SOAP have been made more precise. Finally, proposed § 795.17(b)(2) is adopted as new § 795.10(b) and permits subcontractors to perform the basic services, provided their use is identified at the time a determination is made that a firm is qualified and they meet requirements specified by the program administrator.

Section 795.11

Under new § 795.11, which includes the requirements of proposed § 795.18(a), funds specifically authorized for the SOAP shall be used only to provide the services specified in § 795.9, but not for administrative expenses. These include technical services provided by qualified laboratories and the planning activities upon which these services are dependent. Planning activities must be directly related to individual assistance sites. Furthermore, they are limited to compiling and evaluating available hydrologic and geologic information and developing specifications, work statements, or monitoring plans for the work to be performed at each site. These planning activities are allowable costs for either the program administrator or laboratory under contract to the program administrator, depending on how these activities are accomplished.

One commenter assumed that the cost of drilling necessary test borings would be covered by funds authorized under proposed § 795.18(a) since the rule, as proposed, made no mention as to whether drilling costs for data collection purposes were excluded from costs covered by the SOAP. Another commenter requested revision of the proposed rule to allow funding for certain regional planning activities which would produce future benefits to any other specific assistance site in the same geographic region. The commenter stated that planning activities related to the calibration of a regional hydrologic model to predict hydrological consequences should be reimbursable even though they would not relate to an individual assistance site.

OSM believes well drilling costs can be authorized for the SOAP. However, observation well drilling is not to be considered a standard item routinely provided for all operators receiving SOAP assistance. The need for observation well drilling should be determined on a case-by-case basis. In general, wells should be drilled only where existing information available through reports and studies or from nearby existing wells and springs is inadequate to meet the permit application requirements. Alternatives to wells should be used to the extent such alternatives have been successfully used in the past to provide information for ground water evaluations or where there are indications that other alternatives may be successful. Furthermore, the need for wells at small operator sites should be consistent with the requirements placed on large operators.

Costs for coring or test borings related to the overburden analysis are not affected by this rule revision. Such costs remain the responsibility of the operators. State program administrators for SOAP should consider completing the sample collection plan for the overburden before identifying additional sites for observation wells. Such a procedure will ensure that the well drilling authorization is being administered in a responsible manner and is not being used to provide samples for the overburden analysis or to provide information for exploration purposes, both of which are the responsibility of the operator.

The rule authorizing payment for observation well drilling will not be retroactive. It will become effective on the date the SOAP rule becomes effective or, as necessary, upon modification of approved State programs.

OSM has not accepted the recommendation that regional planning activity costs and calibration costs for hydrologic models be reimbursable through the SOAP. However, OSM recognizes that regional approaches have the potential for being as effective as site specific approaches and for reducing costs in the SOAP. OSM would be amenable to the use of regional analyses in providing SOAP assistance if it can be demonstrated through specific requests that such technical approaches provide tangible cost saving benefits directly applicable to site-specific studies in individual States.

Proposed paragraph § 795.18(b) directed the program administrator to establish a formula for allocating funds to provide services for eligible small operators if available funds are less than those required to provide the services pursuant to Part 795. No comments were received on this paragraph which is adopted as proposed in new § 795.11(b). The allocation formula is intended to provide for an equitable distribution of Federal funds if such funds are insufficient to provide services for all eligible operators.

Section 795.12

Section 795.19(a), as proposed, prescribed the circumstances under which an applicant shall be held liable to the State or OSM for the cost of the laboratory services provided under Part 795. Proposed § 795.19(a)(1) provided the State or OSM the right to be reimbursed for such services by an applicant who submits false information, fails to submit a permit application within one year from the date of the approved laboratory report, or fails to mine after obtaining a permit.

Proposed § 795.19 is being renumbered as § 795.12 for the final rule.

One commenter requested that proposed § 795.19(a) be revised to allow the States to adopt their own liability standards. OSM has not accepted this suggestion because of its responsibility to set minimum standards. Thus, proposed § 795.19(a)(1) is adopted as new § 795.11(a)(1).

Proposed § 795.19(a)(2) is adopted as § 795.11(a)(2) and provides that an applicant shall be liable to reimburse the regulatory authority for costs of laboratory services provided under the SOAP upon a finding by the program administrator that the applicant's actual and attributed annual production of coal for all locations exceeds 100,000 tons during any consecutive twelve month period either during the term of the permit for which assistance is required or during the first 5 years after issuance of the permit whichever is shorter.

Section 795.19(a)(3), as proposed, provided that the applicant shall reimburse the State or OSM for the cost of SOAP laboratory services if the permit is sold, transferred, or assigned by the applicant to another mining company or to a family member whose production was included in the attributed production of the applicant and the cumulative production under the permit during the remaining period of the applicant's liability exceeds 100,000 tons annually.

One commenter requested that this provision be deleted. OSM has not accepted this suggestion because of the potential for companies to enter into informal arrangements so as to appear eligible and be provided SOAP assistance. Liability requirements are needed to reduce opportunities for abuse. Final § 795.12(a)(3) has been edited for clarity and will require reimbursement if the permit is sold, transferred or assigned to another person and the transferee's total actual and attributed production exceeds 100,000 tons annually during any consecutive 12-month period of the remaining term of the permit. In such situations, both the applicant and its successor in interest to the permit will be obligated to reimburse the regulatory authority.

As proposed, § 795.19(b) permitted the program administrator to waive the reimbursement obligation upon finding that the applicant acted in good faith at all times. No comments were received on this paragraph which is adopted as proposed in § 795.12(b).

III. Procedural Matters

Executive Order 12291

The Department of the Interior (DOI) has examined these proposed rules according to the criteria of Executive Order 12291 (February 17, 1981). OSM has determined that these are not major rules and do not require a regulatory impact analysis because they will impose only minor costs on the coal industry and coal consumers.

Regulatory Flexibility Act

The DOI has also determined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that these rules will not have a significant economic impact on a substantial number of small entities. The proposed rules will allow States increased flexibility in effective and efficient administration of SOAP and should especially ease the regulatory burden on small coal operators in Appalachia.

National Environmental Policy Act

OSM has prepared an environmental assessment (EA) on this rule and has made a finding that it would not significantly affect the quality of the human environment. The EA is on file in the OSM Administrative Record at the address listed in the "Addresses" section of the preamble.

Federal Paperwork Reduction Act

The information collection requirements in existing 30 CFR Part 795 were approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned a new clearance number 1029-0014 on April 1, 1981. This approval was identified in a "Note" at the introduction to 30 CFR Part 795 under the old number R0501 under No. B-190462. OMS has deleted this "Note" and has codified the OMB approval under § 795.10 which has been redesignated as § 795.4. The approvals are as follows: For §§ 795.14, 795.16, and 795.17, redesignated §§ 795.7, 795.9 and 795.10, OMB clearance numbers 1029-0014, 1029-0060, 1029-0061, and 1029-0062 have been assigned.

The information required by 30 CFR Part 795 will be used by the regulatory authority in implementing the Small Operator Assistance Program. This information required by 30 CFR Part 795 is mandatory.

List of Subjects

30 CFR Parts 731 and 732

Coal mining, Intergovernmental relations, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 795

Coal mining, Grants programs—Natural resources, Small businesses, Surface mining, Technical assistance, Underground mining.

Accordingly, 30 CFR Parts 731, 732, and 795 are amended as set forth herein.

Dated: January 15, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 731—SUBMISSION OF STATE PROGRAMS

1. In § 731.14, paragraph (g)(16) is revised to read as follows:

§ 731.14 Content requirements for program submissions.

* * * * *

(g) * * *

(16) Providing the determination of probable hydrologic consequences and the statement of the results of test borings or core samples required by Section 507(c) of the Act.

* * * * *

PART 732—PROCEDURES AND CRITERIA FOR APPROVAL OR DISAPPROVAL OF STATE PROGRAM SUBMISSIONS

2. In § 732.15, paragraph (b)(13) is revised to read as follows:

§ 732.15 Criteria for approval or disapproval of State programs.

* * * * *

(b) * * *

(13) Provide for small operator assistance.

* * * * *

3. Subchapter H entitled "Small Operator Assistance" is added consisting of Part 795, which is transferred from Subchapter G and revised to read as follows:

SUBCHAPTER H—SMALL OPERATOR ASSISTANCE

PART 795—PERMANENT REGULATORY PROGRAM

Sec.

795.1 Scope and purpose.
795.3 Definitions.
795.4 Information collection.

Sec.
795.5 Grant application procedures.
795.6 Eligibility for assistance.
795.7 Filing for assistance.
795.8 Application approval and notice.
795.9 Program services and data requirements.
795.10 Qualified laboratories.
795.11 Assistance funding.
795.12 Applicant liability.

Authority: Secs. 201, 501, 502, and 507, Pub. L. 95-87, 91 Stat. 445 (30 U.S.C. 1201 *et seq.*).

§ 795.1 Scope and purpose.

This part comprises the small operator assistance program (SOAP) and establishes the procedures for providing assistance to eligible operators by the program administrator. It is an elective means for a regulatory authority to satisfy the requirements of Section 507(c) of the Act. The purpose of the program is to provide for eligible operators a determination of probable hydrologic consequences and a statement of results of test borings or core samplings which are required components of the permit application under Subchapter G of this chapter.

§ 795.3 Definitions.

As used in this part—

Program administrator means the State of Federal official within the regulatory authority who has the authority and responsibility for overall management of the Small Operator Assistance Program; and

Qualified laboratory means a designated public agency, private firm, institution, or analytical laboratory which can prepare the required determination of probable hydrologic consequences or statement of results of test borings or core samplings under the Small Operator Assistance Program and which meets the standards of § 795.10.

§ 795.4 Information collection.

The information collection requirements contained in §§ 795.7, 795.9, and 795.10 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and have been assigned clearance numbers 1029-0014, 1029-0060, 1029-0061, and 1029-0062. The information is necessary to implement the Small Operator Assistance Program and its submission is mandatory.

§ 795.5 Grant application procedures.

A State intending to administer a Small Operator Assistance Program under a grant from the Office of Surface Mining may submit a grant application to OSM for funding of the program under the procedures of Part 735 of this chapter.

§795.6 Eligibility for assistance.

(a) An applicant is eligible for assistance if he or she—

(1) Intends to apply for a permit pursuant to the Act;

(2) Establishes that his or her probable total actual and attributed production from all locations during any consecutive 12-month period either during the term of his or her permit or during the first 5 years after issuance of his or her permit, whichever period is shorter, will not exceed 100,000 tons. Production from the following operations shall be attributed to the applicant—

(i) The pro rata share, based upon percentage of ownership of applicant, of coal produced by operations in which the applicant owns more than a 5 percent interest;

(ii) The pro rata share, based upon percentage of ownership of applicant, of coal produced in other operations by persons who own more than 5 percent of the applicant's operation;

(iii) All coal produced by operations owned by persons who directly or indirectly control the applicant by reason of direction of the management;

(iv) All coal produced by operations owned by members of the applicant's family and the applicants' relatives, unless it is established that there is no direct or indirect business relationship between or among them.

(3) Is not restricted in any manner from receiving a permit under the permanent regulatory program; and

(4) Does not organize or reorganize his or her company solely for the purpose of obtaining assistance under the SOAP.

(b) A State may provide alternate criteria or procedures for determining the eligibility of an operator for assistance under the program, provided that such criteria may not be used as a basis for grant requests in excess of that which would be authorized under the criteria of paragraph (a) of this section.

§ 795.7 Filing for assistance.

Each application for assistance shall include the following information:

(a) A statement of the operator's intent to file a permit application.

(b) The names and addresses of—(1) The permit applicant; and

(2) The operator if different from the applicant.

(c) A schedule of the estimated total production of coal from the proposed permit area and all other locations from which production is attributed to the applicant under § 795.6 The schedule shall include for each location—

(1) The operator or company name under which coal is or will be mined;

(2) The permit number and Mine Safety and Health Administration (MSHA) number;

(3) The actual coal production during the year preceding the year for which the applicant applies for assistance and production that may be attributed to the applicant under § 795.6; and

(4) The estimated coal production and any production which may be attributed to the applicant for each year of the proposed permit.

(d) A description of—(1) The proposed method of coal mining;

(2) The anticipated starting and termination dates of mining operations;

(3) The number of acres of land to be affected by the proposed mining operation; and

(4) A general statement on the probable depth and thickness of the coal resource including a statement of reserves in the permit area and the method by which they were calculated.

(e) A U.S. Geological Survey topographic map at a scale of 1:24,000 or larger or other topographic map of equivalent detail which clearly shows—

(1) The area of land to be affected;

(2) The location of any existing or proposed test borings; and

(3) The location and extent of known workings of any underground mines.

(f) Copies of documents which show that—

(1) The applicant has a legal right to enter and commence mining within the permit area; and

(2) A legal right of entry has been obtained for the program administrator and laboratory personnel to inspect the lands to be mined and adjacent areas to collect environmental data or to install necessary instruments.

§ 795.8 Application approval and notice.

(a) If the program administrator finds the applicant eligible, he or she shall inform the applicant in writing that the application is approved.

(b) If the program administrator finds the applicant ineligible, he or she shall inform the applicant in writing that the application is denied and shall state the reasons for denial.

§ 795.9 Program services and data requirements.

(a) To the extent possible with available funds, the program administrator shall select and pay a qualified laboratory to make the determination and statement referenced in paragraph (b) of this section for eligible operators who request assistance.

(b) The program administrator shall determine the data needed for each

applicant or group of applicants. Data collected and the results provided to the program administrator shall be sufficient to satisfy the requirements for:

(1) The determination of the probable hydrologic consequences of the surface mining and reclamation operations in the proposed permit area and adjacent areas in accordance with §§ 780.21(g) and 784.14(g) and any other applicable provisions of this chapter; and

(2) The statement of the results of test borings or core samplings for the proposed permit area in accordance with §§ 780.22(b) and 784.22(b) and any other applicable provisions of this chapter.

(c) Data collection and analysis may proceed concurrently with the development of mining and reclamation plans by the operator.

(d) Data collected under this program shall be made publicly available in accordance with § 786.15 of this chapter. The program administrator shall develop procedures for interstate coordination and exchange of data.

§ 795.10 Qualified laboratories.

(a) *Basic qualifications.* To be designated a qualified laboratory, a firm shall demonstrate that it—

(1) Is staffed with experienced, professional or technical personnel in the fields applicable to the work to be performed;

(2) Has adequate space for material preparation and cleaning and sterilizing equipment and has stationary equipment, storage, and space to accommodate workloads during peak periods;

(3) Meets applicable Federal or State safety and health requirements;

(4) Has analytical, monitoring and measuring equipment capable of meeting applicable standards; and

(5) Has the capability of collecting necessary field samples and making hydrologic field measurements and analytical laboratory determinations by acceptable hydrologic, geologic, or analytical methods in accordance with the requirements of §§ 780.21, 780.22, 784.14 and 784.22 and any other applicable provisions of this chapter. Other appropriate methods or guidelines for data acquisition may be approved by the program administrator.

(6) Has the capability of performing services for either the determination or statement referenced in § 795.9(b).

(b) *Subcontractors* Subcontractors, may be used to provide some of the required services provided their use is identified at the time a determination is made that a firm is qualified and they meet requirements specified by the program administrator.

§ 795.11 Assistance funding.

(a) *Use of funds.* Funds specifically authorized for this program shall be used to provide the services specified in § 795.9 and shall not be used to cover administrative expenses.

(b) *Allocation of funds.* The program administrator shall establish a formula for allocating funds to provide services for eligible small operators if available funds are less than those required to provide the services pursuant to this part.

§ 795.12 Applicant liability.

(a) The applicant shall reimburse the regulatory authority for the cost of the laboratory services performed pursuant to this part if—

(1) The applicant submits false information, fails to submit a permit application within 1 year from the date of receipt of the approved laboratory report, or fails to mine after obtaining a permit;

(2) The program administrator finds that the applicant's actual and attributed annual production of coal for all locations exceeds 100,000 tons during any consecutive 12-month period either during the term of the permit for which assistance is provided or during the first 5 years after issuance of the permit whichever is shorter; or

(3) The permit is sold, transferred, or assigned to another person and the transferee's total actual and attributed production exceeds the 100,000-ton annual production limit during any consecutive 12-month period of the remaining term of the permit. Under this paragraph the applicant and its successor are jointly and severally obligated to reimburse the regulatory authority.

(b) The program administrator may waive the reimbursement obligation if he or she finds that the applicant at all times acted in good faith.

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January 18, 1983

Part III

Environmental Protection Agency

Standards of Performance for New Stationary Sources; Flexible Vinyl Coating and Printing Operations; Proposed Rule and Public Hearing

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AH-FRL 2053-1]

Standards of Performance for New Stationary Sources; Flexible Vinyl Coating and Printing Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The proposed standard would limit emissions of volatile organic compounds (VOC) from new, modified, and reconstructed flexible vinyl printing and coating operations. The proposed standard implements Section 111 of the Clean Air Act and is based on the Administrator's determination that industrial fabric coating facilities cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. Printing of flexible vinyl is the largest contributor to air pollution in the industrial fabric coating category. The intended effect of this proposal is to require new, modified, and reconstructed flexible vinyl printing facilities to use the best demonstrated system of continuous emission reduction, considering costs, nonair quality health, and environmental and energy impacts.

A public hearing will be held to provide interested persons an opportunity for oral presentations of data, views, or arguments concerning the proposed standard.

DATES: *Comments.* Comments must be received on or before April 1, 1983.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by February 23, 1983, a public hearing will be held on March 2, 1983, beginning at 9 a.m.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by February 23, 1983.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-80-8, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by February 23, 1983, the public hearing will be held at the Environmental Research Center Auditorium, Research Triangle Park, N.C. Persons interested in attending the hearing should call Mrs. Naomi Durkee at (919) 541-5578 to verify that a hearing will occur. Persons wishing to present oral testimony should notify Mrs. Naomi Durkee, Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5578.

Background Information Document. The background information document (BID) for the proposed standard may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Flexible Vinyl Coating and Printing Operations—Background Information for Proposed Standards," EPA-450/3-81-016a.

Docket. Docket Number A-80-8, containing supporting information used in developing the proposed standard, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5624.

SUPPLEMENTARY INFORMATION:

Proposed Standard

Standards of performance for new sources established under Section 111 of the Clean Air Act reflect:

> * * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated [Section 111(a)(1)].

For convenience, this system of reduction will be referred to as "best demonstrated technology."

The proposed standard would apply to new, modified, or reconstructed rotogravure printing lines used to print or coat flexible vinyl products. The term "vinyl printing" will be used to include the vinyl printing and coating processes. Similarly, the term "inks" will be used to mean inks and coatings.

The affected facility would be each rotogravure printing line used to print or coat flexible vinyl products. The owner or operator of each affected facility would be required to either reduce gaseous VOC emissions by 85 percent or use inks with an average VOC content of less than 1.0 kilogram (kg) VOC per kg ink solids. Reference Methods 1, 2, 3, and 4 and proposed Reference Method 25A would be used during the performance test to measure the gaseous VOC emissions from affected facilities using add-on control equipment to comply with the standard. Reference Method 24 or the ink manufacturer's formulation data would be used to determine compliance for affected facilities using low-solvent inks. The average VOC content of the inks [the weighted average mass (kg) of VOC per unit mass (kg) of ink solids] would be calculated over a time period that does not exceed 1 calendar month. Dilution solvent added at the rotogravure printing station would be included in the calculation of the weighted average. Each determination of the average VOC content of the inks would constitute a performance test. Only the initial performance test results would be reported to the Administrator.

The proposed standard of 85 percent reduction is based on an overall gaseous VOC emission reduction. The overall gaseous reduction for a control system is calculated by multiplying the efficiency of the control device (carbon adsorber) by the efficiency of the vapor capture system. The result is the overall gaseous VOC emission reduction achieved by the control system. Fixed-bed carbon adsorption systems are capable of meeting the proposed standard when operated in conjunction with an efficient vapor capture system. Currently, low-VOC content or waterborne inks are in the developmental stage in the flexible vinyl printing industry. Their present use is limited, but industry spokespersons expect their use to increase significantly in the next 5 years.

For facilities using inks with an average VOC content of 1.0 kg VOC per kg ink solids or greater, monitoring requirements are being proposed to ensure proper operation of the control system. The monitoring requirements would include continuous measurement and recording of VOC concentrations from the carbon adsorber. Deviations in these parameters beyond specified limits would serve as indicators to the Administrator and to the owner or operator that the control system may not be reducing emissions to performance test levels. There would be no excess emissions reports required by the proposed standard. Owners or operators would be required to maintain for 2 years the records of the control device operating parameters that must be

monitored, as specified in 40 CFR 60.7(d).

Summary of Environmental, Energy, and Economic Impacts

The environmental, energy, and economic impacts of this new source performance standard (NSPS) are expressed as incremental differences between the impacts for facilities complying with the proposed standard and for those facilities if no NSPS were promulgated. In the absence of an NSPS, it is assumed that facilities would comply with the applicable State implementation plan (SIP) for VOC emissions. This SIP control level is referred to as the typical SIP and is based on the CTG level of 65 percent overall emission reduction (see complete discussion under section entitled "Regulatory Alternatives"). It is expected that States would impose this level of control for any new plants locating in nonattainment areas. This level of control may or may not be required in attainment areas, however, and would depend on the particular plant and state agency involved. Thus, to the extent that State requirements in attainment areas differ from the requirements of a typical SIP, the actual impacts may differ from the impacts presented in the following discussion.

A typical new flexible vinyl printing line, producing about 9 million square meters (10.8 million square yards) of material annually would emit about 680 megagrams (750 tons) of VOC per year if uncontrolled. Controlled to the level of the proposed standard, it would emit approximately 100 megagrams (110 tons) of VOC per year, which is about 140 megagrams (150 tons) of VOC per year less than an identical facility controlled by a typical SIP. The proposed standard would reduce VOC emissions by about 60 percent beyond the levels achievable under typical SIP's. Nationwide in 1987, the proposed standard would reduce VOC emissions from new, modified, or reconstructed flexible vinyl printing lines by 790 megagrams (870 tons) beyond the emission level required by typical SIP's.

Potential wastewater pollution from a controlled flexible vinyl printing line results from the use of a carbon adsorption emission control system. The annual wastewater discharge from a typical new flexible vinyl printing line controlled by the proposed standard would be 36 percent or 800,000 liters (190,000 gallons) greater than the discharge expected from a plant controlled by typical SIP's. National wastewater discharges would increase by 4,800,000 liters (1,300,000 gallons) in 1987 as a result of the proposed standard.

A typical new flexible vinyl printing line, using carbon adsorption, would have a solid waste load (spent carbon associated with the proposed standard of 25 percent or 0.9 megagram (1.0 ton) per year greater than a similar facility controlled by typical SIP's. Nationwide in 1987, the solid waste load associated with the proposed standard would be 5.4 megagrams (6.0 tons) greater than the load associated with typical SIP control. Carbon adsorption was the predominant VOC control technique found to be operating in the flexible vinyl printing industry, and therefore it was used to estimate energy impacts associated with the proposed standard. By comparing the potential national energy savings resulting from reusing captured solvent emissions with the energy required to operate emission control devices, a potential net national energy impact can be estimated. On a national basis in 1987, the proposed standard would result in an energy savings of 41,000 GJ (39 billion Btu). The proposed standard would save about 15 percent more energy than if all facilities were controlled by typical SIP's.

The capital cost for a typical new printing line is $1 million and the annualized costs are $6.1 million. The initial capital cost of a control system capable of achieving the typical SIP control level is $1 million and a control system capable of achieving the level of the proposed standard would cost $1.2 million. Because of the value of potentially recoverable solvent, annualized costs for control system operation represent about 1 percent of the total annualized cost for the controlled plant. At a typical new plant controlled to the typical SIP level, this annualized cost is about $69,000. At a plant controlled at the level of the proposed standard, because more solvent could be recovered, the annualized costs decrease to approximately $48,000. These costs (savings) do not include lost opportunity costs (i.e., the profit or return on investment which could be derived by investing in other than air pollution control equipment).

Projections show a growth rate of more than 8 percent per year for wallcovering products and little growth in the other sections of the industry through 1987. This is equivalent to slightly more than one plant per year. At this growth rate, the cumulative capital cost of control is approximately $6.2 million for typical SIP control and $7.4 million for the control level of the proposed standard. Annualized costs (i.e., control system operating costs less recovered solvent value) are approximately $414,000 for typical SIP control and $289,000 for the control level of the proposed standard. The expected worst case maximum price increase would be 0.05 percent. No major impacts are expected on geographical regions or local governments.

Standards of performance have other benefits in addition to achieving reductions in emissions beyond those required by a typical SIP. They establish a degree of national uniformity which precludes situations in which some States may attract new industries as a result of having relaxed air pollution standards relative to other States. Further, standards of performance provide documentation which reduces uncertainty in case-by-case determination of best available control technology (BACT) for facilities located in attainment areas, and lowest achievable emission rates (LAER) for facilities located in nonattainment areas. This documentation includes identification and comprehensive analysis of alternative emission control technologies, development of associated cost, an evaluation and verification of applicable emission test methods, and identification of specific emission limits achievable with alternate technologies. The costs are provided for in an economic analysis that reveals the affordability of controls in an unbiased study of the economic impact of controls on an industry.

The rulemaking process that implements a performance standard assures adequate technical review and promotes participation by government, by the industry being considered for regulation, and by the public affected by that industry's emissions. The resultant regulation represents a balance in which government resources are applied in a well publicized national forum to reach a decision on a pollution emission level that allows for a dynamic economy and a healthful environment.

Rationale

Selection of the Source

The industrial fabric coating industry, of which flexible vinly printing is a segment, was ranked 10th out of 59 sources to be controlled on the "Priority List and Additions to the List of Categories of Stationery Sources," promulgated at 44 FR 49222 on August 21, 1979. This list ranked emission sources on a nationwide basis in terms of quantities of air pollutant emissions from the source category, the mobility

and competitive nature of each source category, and the extent to which each pollutant endangers public health and welfare.

The flexible vinyl printing and coating segment of the fabric coating industry has been selected for control for two main reasons. First, the flexible vinyl printing industry is distinct from other segments of the fabric coating industry because of emission types and rates, use of the rotogravure printing process, economics, and industry structure. second, the flexible vinyl printing industry constitutes the largest organic solvent-using segment of the fabric coating industry; and therefore, it produces a significant portion of the industry-wide VOC emissions.

Fabric coating generally involves the application of decorative or protective coatings to a supporting textile substrate. However, as explained later, some flexible vinyl products do not have a textile substrate. Coatings are normally applied using knife coating or roller coating techniques. The coated substrate is referred to as the web.

Flexible vinyl printing refers to the rotogravure process of printing and coating vinyl webs primarily with solvent solutions of polyvinyl chloride (PVC) resins. The web may consist of vinyl coated substrate referred to as a supported web, or a vinyl sheet with no substrate, referred to as an unsupported web. Printing and coating methods for supported and unsupported products are essentially identical. Supported products include, but are not limited to, wallcoverings, automobile and furniture upholstery, landau roofs, and leatherette products such as gloves, luggage, and shoe uppers. Examples of unsupported products include shower curtains and window shades.

Non-flexible vinyl products, primarily floorcoverings, were originally included in the development of the proposed standard. However, information obtained during this study indicated that the vinyl flooring industry is distinctly different from the flexible vinyl printing industry. The major difference between the two industries is the type of coating formulations used to produce the final products. These different coating formulations affect both emission types and rates. Other differences in equipment, economics, and industry structure are also prevalent. A separate NSPS for the vinyl flooring industry will be considered. The scope of the proposed standard is therefore limited to the printing and coating of flexible vinyl webs. Hand printing and dipping processes, which are not rotogravure processes, are not included in the flexible vinyl printing industry source category as defined under the proposed standard.

In 1980, nationwide uncontrolled emissions of VOC from existing flexible vinyl printing lines were estimated at 62,000 megagrams (68,000 tons) per year. Growth projections show that the supported sector of the flexible vinyl printing industry will experience little or no annual growth except for wallcovering production which is expected to grow at an annual rate of 8.9 percent through the year 1987. Little or no growth is expected in the unsupported sector of the industry during the same period. Potential VOC emissions from a typical, new, six print head printing line, producing supported vinyl materials would be about 240 megagrams (270 tons) per year for a plant regulated only by a SIP. In the year 1987, the cumulative potential VOC emissions from new flexible vinyl printing lines, if controlled only by typical SIP's, would be about 1,400 megagrams (1,500 tons) per year. The emission estimates for new facilities could vary depending on how rapidly waterborne inks are developed for the flexible vinyl printing industry.

Selection of Pollutants and Affected Facilities

Volatile organic compounds (VOC) are the primary air pollutants emitted from vinyl printing plants. VOC and nitrogen oxides are precursors to the formation of ozone and oxygenated organic aerosols (photochemical smog). Ozone and oxygenated organic aerosols result in a variety of adverse impacts on health and welfare, including impaired respiratory function, eye irritation, deterioration of materials such as rubber and necrosis of plant tissue. Further information on these effects can be found in the April 1978, EPA document "Air Quality Criteria for Ozone and Other Photochemical Oxidents," EPA-600/8-78-004. This document can be obtained from the EPA library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777.

Particulate matter emissions are also generated from vinyl printing plants. These particulate matter emissions are primarily vaporized plasticizers, some of which coalesce into an aerosol.

The three main sources of VOC emissions from printing operations are: (1) The rotogravure print heads and associated ink fountains from which solvent evaporates; (2) the exposed portions of the printed web traveling from the print station to the drying oven; and (3) drying ovens where the solvent is evaporated from the web. Solvent emissions from storage, formulation, and cleanup are not included in the proposed standard because the storage of hydrocarbons is to be covered under a separate NSPS; and formulation and cleanup emissions are low volume emissions that would be very costly to control. EPA is unaware of any control technology beyond what is currently in use that could be applied at a reasonable cost.

In addition to rotogravure printing stations, a flexible vinyl printing line may contain an embossing operation. The embossing operation uses rollers to set an image or pattern into the printed vinyl web. Emissions generated in embosser stations are low levels of VOC and vaporized plasticizers, some of which coalesce into aerosols. When VOC emissions are low in volume and concentration and combined with aerosols, they are difficult to control. In such cases, carbon absorbers do not function properly and their effectiveness has not been demonstrated. Incineration, the only technically feasible control option, would be much too costly to require for a low volume of VOC. Therefore, there is no best demonstrated technology for this emission source, and embosser generated emissions would not be limited by the proposed standard.

The main sources of particulate matter emissions are the web formation processes. (Webb formation includes the processes that transform the PVC resins, stabilizers, pigments, and plasticizers into a continous vinyl sheet.) These emissions are not limited by the proposed standard because no new, modified or reconstructed facilities are expected in the web formation sector of this industry.

For the reasons discussed above, the proposed standard limits VOC emissions from flexible vinyl rotogravure printing stations and their associated drying oven. Although embossers are sometimes operated in conjunction with the printing line, embossers are not selected for control as explained above.

The choice of the affected facility for the proposed standard is based on the agency's interpretation of Section 111 of the act, and judicial construction of its meaning. Under Section 111, the NSPS must apply to "new sources;" "source" is defined as "any building, structure, facility, or installation which emits or may emit any air pollutant" [Section 111(a)(3)]. Most industrial plants, however, consist of numerous pieces or groups of equipment that emit air pollutants, and that might be viewed as "sources." EPA therefore uses the term "affected facility" to designate the

equipment, within a particular kind of plant, that is chosen as the "source" covered by a given standard.

In choosing the affected facility, EPA must decide which pieces or groups of equipment are the appropriate units for separate emission standards in the particular industrial context involved. The Agency must do this by examining the situation in light of the terms and purpose of Section 111. One major consideration in this examination is that the use of a narrower definition may result in bringing replacement equipment under the NSPS sooner; if, for example, an entire plant were designated as the affected facility, no part of the plant would be covered by the standard unless the plant as a whole is "modified." If, on the other hand, each piece of equipment is designated as the affected facility, then as each piece is replaced, the replacement piece would be a new source subject to the standard. Since the purpose of Section 111 is to minimize emissions by the application of the best demonstrated control technology (considering cost, other health and environmental effects, and energy requirements) at all new and modified sources, there is a presumption that a narrower designation of the affected facility is proper. This ensures that new emission sources within plants will be brought under the coverage of the standards as they are installed. This presumption can be overcome, however, if the Agency concludes that the relevant statutory factors (technical feasibility, cost, energy, and other environmental impacts) point to a broader definition.

The narrow designation of affected facility for flexible vinyl printing operations would be each rotogravure printing line, the smallest unit that can be independently controlled. With this designation, the proposed standard would cover new lines at new plants and new lines used to expand or refurbish existing plants. Expansions of plant capacity typically occur with the addition of an entire new printing line. The new line would be covered by the proposed standard as a new source, but the rest of the plant would not be affected. Because modification and reconstruction of existing lines is expected to be infrequent, there would be little or no impact on existing lines from this designation. Because the economic, energy, and other impacts associated with the narrow designation of affected facility are considered reasonable, there is no need for the broader designation. Therefore, the proposed standard designates as an affected facility each rotogravure printing line used to print or coat flexible vinyl products.

The proposed standard would cover VOC emissions from new, modified, or reconstructed flexible vinyl printing lines. Specific modifications and reconstructions applicable to flexible vinyl printing lines are given in Chapter 5 of the BID and in the preamble section, "Modification and Reconstruction Considerations."

Selection of Basis of Proposed Standard

This section describes the emission control technology applicable to the flexible vinyl printing industry; the regulatory alternatives considered by EPA in the development of this standard; a summary of the environmental, energy, and economic impacts of these alternatives; and a discussion of the alternative selected as the basis for the proposed standard.

Control Technologies. VOC emissions from flexible vinyl printing lines can be controlled enither by emission control systems or by the use of low-VOC content inks. Presently, most inks are solvent-based (i.e., they contain more than 2.3 kg VOC per kg ink solids), but research is currently being directed toward the development of low-VOC content inks. In the inks being developed, the mass of VOC to mass of ink solids ratio ranges from 0.0 to 0.75. Inks in this range are currently only in limited use in this industry. Some manufacturers are making a major commitment to develop these inks, indicating that their use is likely to increase.

The majority of the solvent used on a flexible vinyl printing line is driven off in the drying operation after the inks have been applied to the vinyl web. In a plant using emission control, these vapors would be contained in the oven and the oven gases would be drawn through a fan and ducted away from the work area to a control device. Solvent vapors not captured by the drying ovens may be collected by the vapor capture system. The vapors that are not captured and which escape directly to the atmosphere are called fugitive emissions. Of the total amount of solvent used at the printing line presses, the majority is captured by the drying ovens and the rest are potentially fugitive emissions unless captured by a system of hoods and ducts and vented to a control device.

During a normal production run, the other major sources of potential fugitive VOC emissions from flexible vinyl printing operations are the solvent that evaporates from the ink wells, the exposed part of the gravure printing cylinder, and exposed portions of the printed vinyl web prior to entering the drying oven. Newer flexible vinyl printing lines have closed ink supply drums and extended enclosure designs to minimize evaporative losses from gravure rollers and drying oven openings. However, some of these press areas must remain accessible because operators must occasionally repair web breaks, change gravure cylinders, and perform normal maintenance procedures.

The complete VOC emission control system for a modern flexible vinyl printing line consists of two sections: the vapor capture system and the emission control device. The vapor capture system is designed to collect VOC vapors which originate at the printing stations. These captured vapors are directed to a control device where they can either be recovered or destroyed. The overall recovery performance of a VOC emission control system is primarily influenced by its ability to efficiently capture what might otherwise become fugitive vapors.

The best capture system identified during the development of the proposed standard was observed on a line that incorporated a dryer in conjunction with each print station. These dryers were designed so that capture of vapors from the print stations was particularly effective. Further, the ink supply drums and the ink pumping systems at each print station were closed, greatly reducing the potential fugitive VOC emissions. The nearly complete enclosure of the gravure rollers and the wet, printed web also reduced potential fugutive emissions from the print station area.

Each print station at this type of facility is equipped with a drying plenum. This plenum captures VOC evaporating from the wet web as it is being dried. Unlike older plants where the wet web traveled some distance from the rotogravure rolls to the drying oven, the drying plenum for each print station on the newer lines encloses the wet web as soon as it leaves the rotogravure rollers. The amount of wet web exposed to the atmosphere is greatly reduced by designing the drying plenum to enclose the web closer to the point where the ink is applied. Excellent visibility of the process and easy access to the printing equipment are maintained by the use of large, movable plexiglass covering panels.

Capture efficiencies of 90 percent can be achieved by this type of control system. Capture efficiency is the fraction of the total gaseous solvent vapor emissions that are directed to the control device.

In order to achieve a high overall emission reduction, the capture system is combined with a control device which may either recover or destroy the captured VOC. Three types of VOC emission control devices were identified as technically feasible for controlling VOC emissions in the flexible vinyl printing industry: (1) Packed-column scrubbers, (2) incineration, and (3) fixed-bed carbon adsorption. Three applications of packed-column scrubbers for VOC control were found in a survey of the flexible vinyl printing industry. The scrubbing control technique was not considered a candidate for best demonstrated technology because: (1) Reported VOC reduction efficiencies have not been as high as those reported or measured by EPA for carbon adsorption, (2) there is a much larger wastewater problem than for carbon adsorption, and (3) solvent recovery has not been demonstrated for this process in this industry.

Incineration of organic emissions is an effective means of control. It could reduce VOC emissions by 95 to 99 percent. However, it would be economical only in certain cases. Conventional incineration would require large amounts of supplemental fuel. Waste heat recovery systems could partially offset the increased operating costs for fuel. Supplemental fuel requirements could also be lowered by the use of catalytic oxidation. Catalytic oxidation permits lower oxidation reaction temperatures and therefore requires less energy than thermal oxidation. Generally, the ability to recover heat and reduce supplemental fuel requirements would determine how economical incineration could be. Although incineration is technically viable, it is not presently used in this country for two reasons. First, the high continuous energy requirements may make it uneconomical in an industry with a large amount of inherent downtime. Second, the value of recovered solvent is likely to make carbon adsorption a more economically favorable control technique. Therefore, incineration was not considered a candidate for the best demonstrated technology.

In the flexible vinyl printing industry, preference for solvent recovery rather than incineration appears to be related to the increasing costs and lessening supply of solvents refined from crude oil. Because these trends are predicted to continue, solvent recovery by carbon adsorption appears to be an economically justifiable control technique. Fixed-bed carbon adsorption is a mature technology that has been applied to the control of VOC emissions from a wide range of industrial processes, including flexible vinyl printing. The theory and principles of VOC control by carbon adsorption are well-documented in the literature. Modern carbon adsorption systems can be expected to achieve a long-term average performance of at least 95 percent efficiency. All of the newer carbon adsorption systems operating in the flexible vinyl printing industry have been designed and guaranteed by the manufacturer to have minimum removal efficiencies of 95 percent.

For the reasons described above, the Administrator has concluded that modern carbon adsorption control systems can be expected to achieve a high, long-term average performance efficiency of greater than 95 percent. Similarly, a solvent vapor capture system operating in the flexible vinyl printing industry has been demonstrated to achieve 90 percent capture. This system of vapor capture and carbon adsorber control is applicable to any flexible vinyl printing line operating over the range of conditions found in this industry.

Regulatory Alternative. During the development of the proposed standard, three regulatory alternatives were considered. For each of these alternatives the overall reduction efficiency for the VOC emission control system was calculated as the product of the capture system efficiency and the control device efficiency.

Regulatory Alternative I, referred to as the baseline, assumes that no NSPS would be developed. In designating this baseline, it is assumed that States have adopted or will adopt the recommended guidelines in the control techniques guideline (CTG) document, "Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VIII: Graphic Arts—Rotogravure and Flexography," (EPA–450/2–78–033). This CTG calls for 65 percent overall reduction of VOC from flexible packaging rotogravure facilities. The 65 percent reduction level represents a system that captures 70 percent of the total solvent vapors evolved from the affected facility and recovers 95 percent of those vapors. The Volume VIII CTG was chosen instead of the Volume II CTG on fabric coating ["Control of Volatile Organic Emissions from Existing Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks," (EPA–450/2–77–008)] because the flexible vinyl printing industry uses gravure printing equipment. In addition, some States are controlling this equipment as flexible packaging rotogravure facilities.

Regulatory Alternative II represents the first level of NSPS control being considered. This control level is based on an overall VOC emission reduction of 75 percent. The control system for Alternative II would capture 80 percent of the total solvent vapors evolved in the printing operation and then recover 95 percent of those vapors.

Regulatory Alternative III is based on an overall VOC emission reduction of 85 percent. The 85 percent level represents a system that captures 90 percent of the total solvent vapors from the printing operation and then recovers 95 percent of those vapors. For all three alternatives, the control device efficiency was 95 percent. This emphasizes the fact that improving capture efficiency is the key to increasing overall emission control.

Environmental, Energy, and Economic Impacts

The analyses of the environmental, energy, and economic impacts are based on a comparison of the expected impacts of Regulatory Alternatives II and III versus Regulatory Alternative I. Estimates of these impacts were determined through the development of model plants which represent new facilities. The environmental, energy, and economic impacts of the regulatory alternatives were calculated based on the use of carbon adsorption.

Environmental Impacts. An analysis was made to compare the estimated nationwide impacts of VOC emissions, wastewater effluents, and solid waste generation associated with each regulatory alternative. This analysis was based on a projected annual growth rate for wallcovering of 8.9 percent through 1987. Little or no growth is expected for other products. Under Regulatory Alternative I, SIP control only with no NSPS, new, modified, or reconstructed flexibile vinyl printing lines would emit approximately 1400 megagrams (1500 tons) per year of VOC by the year 1987. Implementation of Regulatory Alternative II, the first level of NSPS control, would lower emissions by 30 percent from Alternative I to 1000 megagrams (1100 tons) per year of VOC in 1987. Implementation of Regulatory Alternative III would reduce VOC emissions by 57 percent from Alternative I to 610 megagrams (670 tons) per year from new, modified, or reconstructed printing lines in 1987.

For a typical plant, total annual emissions at the baseline level (SIP control) are 240 megagrams (260 tons) per year. Regulatory Alternative II

would decrease emissions by 30 percent to 170 megagrams (190 tons) per year in 1987. Likewise, compared to Alternative I, Alternative III would reduce emissions from a typical plant by 60 percent to 100 megagrams (110 tons) per year.

Wastewater is created by condensation of the steam used to regenerate carbon adsorption units and by sovent distillation processes. The environmental impact on natural water systems from this wastewater discharge would be minimal because: (1) The total volume of annual wastewater discharge is small, and (2) the discharge contains only trace amounts of organic solvents and chemicals such as calcium chloride or sodium hydroxide. Plants currently discharge their carbon adsorption/distillation wastewater stream to publicly owned treatment works without penalty or surcharge.

The nationwide wastewater discharge resulting from the implementation of emission controls on new, reconstructed, or modified flexible vinyl printing plants was estimated. In 1987, plants controlled at the level of Regulatory Alternative I would discharge approximately 13.2 million liters (3.5 million gallons) of wastewater per year. At the level of control represented by Regulatory Alternative II, 15.6 million liters (4.1 million gallons) would be discharged in 1987. Regulatory Alternative III would increase wastewater discharge to 18 million liters (4.8 million gallons) per year.

The wastewater streams from different plants would contain varying amounts of VOC. The worst case was estimated by assuming that all new facilities would use carbon adsorption devices to control VOC emissions. At the baseline control level, the nationwide wastewater discharge would contain 4.9 megagrams (5.4 tons) of VOC in 1987. Under Regulatory Alternative II this would increase to 5.7 megagrams (6.3 tons). Regulatory Alternative III would result in a VOC content in the wastewater of 6.5 megagrams (7.1 tons) per year. The total wastewater impacts associated with any of the three alternatives are considered reasonable in view of the potential nationwide reduction in VOC emissions from the flexible vinyl printing industry.

The only solid waste generated by the VOC emission control system is from the carbon adsorption device. The adsorption efficiency of the activated carbon gradually degrades to such a level that replacement of the carbon is necessary. This replacement creates a solid waste load for the plant. The most likely procedure for handling waste carbon is for the vinyl printing plant to return it to the carbon manufacturer for recycling. The manufacturer can process the waste carbon and reactivate it for use in carbon adsorption units. Other procedures are available for handling the waste carbon that minimize adverse environmental impact: (a) Properly landfilling the carbon, and (b) using the carbon as fuel. Nationwide, solid waste resulting from the VOC emission control systems of flexible vinyl printing plants would not pose significant adverse environmental impacts. In 1987, new, modified or reconstructed plants controlled to the Regulatory Alternative I and II levels would generate approximately 19 megagrams (21 tons) and 21 megagrams (23 tons) per year, respectively, of carbon waste. The same plants controlled at the more stringent Regulatory Alternative III level would generate about 24 megagrams (26 tons) per year of carbon waste. The nationwide solid waste impact for any of the three alternatives is considered reasonable when compared to the potential nationwide VOC emission reduction from flexible vinyl printing operations.

Energy Impact. The air pollution control equipment for the flexible vinyl printing industry utilizes electrical energy and steam energy from fuel oil combustion. The electrical energy is required to operate air fans, cooling tower pumps and fans, boiler support systems, and all control system instrumentation. Fuel oil, a typical fossil fuel, is combusted in boilers to produce steam for operation of carbon adsorption and distillation. For the energy impact analysis an 80 percent thermal efficiency was assumed for the fuel oil usage.

The incremental gross nationwide consumption of electricity by new, modified, or reconstructed flexible vinyl printing lines for VOC control purposes was estimated. In 1987, 15 percent more electrical energy would be required to increase control from Regulatory Alternative I to Regulatory Alternative II. Thirty percent more electrical energy would be required nationwide to increase control from Regulatory Alternative I to Regulatory Alternative III. In 1987, annual nationwide consumption of electricity by flexible vinyl printing lines under Regulatory Alternatives I, II and III would be 4300 GJ (4.0 billion Btu), 5000 GJ (4.7 billion Btu), and 5800 GJ (5.5 billion Btu), respectively. Electricity consumption by a single typical new flexible vinyl finishing line under Regulatory Alternatives I, II and III would be: 720 GJ (680 million Btu), 840 GJ (800 million Btu), and 970 GJ (920 million Btu) respectively.

Nationwide fuel oil energy requirements for VOC control were also estimated. In 1987, about 43,000 GJ (41 billion Btu) of fuel oil energy would be consumed by new, modified, or reconstructed flexible vinyl printing plants controlled at the level of Regulatory Alternative I. Increasing control to Regulatory Alternative II would require a 15 percent increase to 50,000 GJ (47 billion Btu) in the fuel oil energy consumption. Control to the level of Alternative III would increase fuel oil consumption to 58,000 GJ (55 billion Btu) or 35 percent more than that required under Alternative I control.

Net energy savings are possible if the solvent is recovered and its energy value is considered. The VOC or solvent emissions that would be controlled by the proposed standard have an energy value. Potentially these emissions can be recovered as liquid solvent and reused; therefore, less new solvent would have to be consumed. Consequently, if less new solvent is used, less crude oil would be required to produce organic solvents. If all new, modified, or reconstructed flexible vinyl printing lines built through 1987 were controlled to the level of Regulatory Alternative I, the gross national energy demand would be equal to about 48,000 GJ (45 billion Btu). The amount of solvent recoverable could be translated into about 83,000 GJ (79 billion Btu) of energy for a net energy savings of 35,000 GJ (33 billion Btu).

Under Regulatory Alternative II control, the gross national energy demand would approach 55,000 GJ (52 billion Btu). The energy equivalent of the recovered solvent would be 95,000 GJ (90 billion Btu) for a net energy savings of 40,000 GJ (38 billion Btu).

Under Regulatory Alternative III control, the gross national energy demand would equal approximately 64,000 GJ (61 billion Btu) in 1987. The higher control efficiency of this alternative would yield a solvent recovery equivalent to 105,000 GJ (100 billion Btu) of energy for a net energy savings of 41,000 GJ (39 billion Btu). The incremental energy savings of Regulatory Alternatives II and III compared to I would equal 5,000 GJ (5 billion Btu) and 6,000 GJ (6 billion Btu) respectively.

The estimates of energy savings assume that the full energy value of all recovered solvent is obtained. The favorable national energy impact is important because of the lessening supply and increasing cost of petroleum raw materials. The energy impacts of the regulatory alternatives, with and without the consideration of solvent

recovery credits, are reasonable in view of the national reduction in VOC emissions being achieved.

Economic Impact. On a nationwide basis, the cumulative capital cost of control for the baseline level would be approximately $6.2 million. Alternative II would require an additional $600,000 and Alternative III, an additional $1.2 million for a total capital cost of $7.4 million. Capital cost of control at a typical plant controlled to the baseline level would be approximately $1.04 million. Control to the Alternative II and III levels would require capital costs of approximately $1.14 million and $1.24 million, respectively, at a typical plant.

Annualized costs represent control system operating costs less the value of the recovered solvent. Nationwide, annualized costs of control are approximately $414,000, $351,000 and $289,000 for Alternatives I, II and III, respectively. At a typical plant, annualized costs would be approximately $69,000, $58,500 and $48,100 for Alternatives I, II and III, respectively. The decrease in estimates of annualized costs is attributable to the value of the additional solvent recovered under Alternatives II and III compared to the baseline level.

The potential economic impacts of the regulatory alternatives were examined by analyzing potential effects on the five model plants. Estimated production for the model plants ranges from 9 million to 110 million square meters per year. Estimated revenue ranges from $7.2 million to $84.0 million annually. A complete description of the model plants is in Chapter 6 of the BID.

A detailed explanation of the methodologies used for the economic analysis is found in Chapter 9 of the BID. Three types of analyses were conducted: (1) Return-on-investment (ROI), (2) price pass-through, and (3) capital availability.

The return-on-investment analysis examines the impact of control costs on the existing firms' viability and the attractiveness of investment in new plants. The basic measure of ROI employed in the analysis can be obtained by dividing net profit by total assets. Income statements for each model plant were calculated for the baseline case and Alternatives II and III. After the net income before taxes (EBIT) was calculated, the assets were estimated from the EBIT/assets ratio. Baseline ROI was calculated by dividing net income by the estimated assets. Appropriate adjustments were then made to both the cost of sales and assets to account for the additional costs of control.

When compared to the baseline case, the ROI for Regulatory Alternative II ranges (for the five model plants) between a 0.96 percent decline and an 8.38 percent increase. Likewise for Regulatory Alternative III, the ROI ranges between 1.20 percent decline and 17.77 percent increase. The favorable impact on four of the five model plants is due to the large solvent recovery credits that more than offset the costs of control.

The price pass-through analysis, or analysis of potential price increase, was limited to one model plant, Plant A. This analysis was not conducted for the other four plants because it was assumed that the positive impact of the recovery credits would produce no incentive for those plants to increase prices.

In summary, the worst case would suggest a very modest price increase for Model Plant A of 0.05 percent. The worst possible case for Model Plants B thru E would be no price change whatsoever, since the positive impacts on ROI provide no incentive for a price increase.

The capital availability analysis showed that the additional capital requirements for Regulatory Alternative II would reduce the debt service coverage ratios by 5.6 to 16.2 percent, depending upon model plant size. For Regulatory Alternative III the debt service coverage ratio would be reduced by 10.3 to 26.2 percent. For both of these alternatives, the absolute level of the ratios does not fall below 3 for any of the model plants. This very modest impact should not affect the capital financing capabilities of plants similar to the model plants.

The macroeconomic impact of a proposed regulation must be analyzed using three principal review criteria as listed in Executive Order 12291 in order to determine if a regulatory analysis is required. An analysis would be required if any of the following criteria were met:

1. An annual effect on the economy of $100 million or more;
2. A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
3. 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.

The macroeconomic impact for the regulatory alternatives is not large enough to meet any of these criteria. The worst case maximum price impact of 0.05 precent increase is minimal in light of the second criterion. Due to significant positive recovery credits, the total additional annual cost of control in the fifth year will be negative, that is, beneficial to the corporation. No significant adverse effects listed in the third criterion would result. The analysis concludes that no significant macroeconomic impacts are likely.

Comparison of the alternatives indicates that the beneficial impacts of setting standards based on Regulatory Alternative III outweigh the adverse impacts. A significant reduction in VOC emissions would result from setting the proposed standards and there would be minimal adverse water pollution, solid waste, and noise impacts. There would be an industry-wide savings in energy, and the costs and economic impacts would be reasonable. Therefore, Regulatory Alternative III, 85 percent overall control of VOC emissions, was selected as the basis for the proposed standards.

This level of control can be achieved with a carbon adsorber operated in conjunction with a well-designed VOC capture system. This control system is designated to be the best system of continuous emission reduction considering environmental and other impacts. As an alternative emission control technique, the flexible vinyl printing industry is researching the possibilities of using low-VOC content (waterborne) inks to reduce VOC emissions. As solvent content in waterborne inks decreases, the emission reduction achievable and thus the benefit of emission control systems decreases. In other words, waterborne inks contain such a small amount of VOC that any VOC emission reduction is limited. To date, waterborne inks for flexible vinyl printing have not been developed to the extent that they are universally applicable throughout the industry. Therefore, their use cannot form the basis of the proposed standard although they may be used in some cases to meet the standard. Waterborne inks are discussed in more detail in the section entitled "Selection of Numerical Emission Limits."

Selection of Format of Proposed Standard

The format of the proposed standard is a combination of a percent reduction of gaseous VOC emissions and a mass of VOC per mass of ink solids. Three types of formats were considered: mass of VOC emitted per unit of production, mass of VOC per mass of ink solids, and percent reduction of VOC emissions. The criteria for choosing the format were effectiveness in assuring application of the best system of

emission reduction, ease of compliance testing, and ease of application in the industry.

A format of mass of VOC emissions per unit of production directly relates emissions to individual plant production. However, this type of regulation would not reflect the best demonstrated technology for different types of inks. In the flexible vinyl printing industry, the quantity of VOC in inks used varies and therefore kilograms of VOC applied per unit area of production also varies. If this type of standard were established, plants that applied a small amount of VOC per unit of product and produced a large volume of product might not be required to achieve BDT levels of control while plants applying more VOC per unit of product and producing less product would be required to achieve the full 85 percent reduction even though both plants might use the same total quantity of VOC. This format does not meet the criterion of reflecting application of best demonstrated technology on all new sources, because some sources would not be required to achieve levels of control that the Agency believes are reasonable.

The second type of format considered was mass of VOC as applied per mass of ink solids. This format would require measurement of the quantity of ink and solvent used and knowledge of the ink formulation. Although it would not require measurement of VOC emissions, it would require measurement of the total amount of VOC used. Due to the broad range in VOC to ink solids ratios in most inks and the large number of different inks used on a print line, a single mass emission standard would not necessarily be achievable by all sources and would not accurately reflect best demonstrated technology. This format is, however, appropriate for plants which use low-VOC content inks in lieu of control devices to reduce VOC emissions.

The third format, percent reduction, was considered from the standpoint of a liquid material balance and from the standpoint of gaseous emissions recovery efficiency. A liquid material balance would compare the total amount of solvent in the ink before application to the amount of solvent recovered or destroyed. Compliance testing would require a material balance type test. For the vinyl printing industry, measurement of recovered solvent is difficult because of the variation from plant to plant in solvent lost in the recovery, distillation, and other solvent purification processes following carbon absorption. There is not adequate information available to characterize or quantify these solvent losses. This format is only applicable when a control device is used.

Finally, a format of percent reduction of gaseous emissions was considered based on the efficiency of the capture system and control device. This would include both fugitive VOC emissions and oven emissions. This type of format involves measuring all gaseous emissions only. Performance and compliance testing are more readily accomplished with this type of format than with a materials balance.

The format selected is a combination of a percent reduction of gaseous VOC emissions and a mass of VOC per mass of ink solids. This combination would assure the application of the best demonstrated technology on printing lines and provide a simple means of determining compliance.

There are, however, disadvantages to a percent reduction format. This approach does not give credit for some methods of emission reduction. For example, although reductions in the VOC content of the ink or in the amount of ink applied per unit of product can substantially reduce VOC emissions from these facilities, the percent reduction format provides no incentive (within the range of the VOC content of inks currently in use) for manufacturers to consider these measures.

The Agency recognizes that there may be important opportunities for reducing facility emissions through the adoption of such methods of emission reduction. This standard covers plants making a wide variety of products and, as a result, there is a considerable disparity across the facilities covered by this standard in the VOC content of the inks and the ink applied per unit product. The Agency solicits comments on the practicability of establishing a standard providing greater flexibility than that allowed by its percent reduction requirement. This may require the Agency to establish subcategories—e.g., automobile accessories, wallcovering, etc. The Agency requests that interested parties provide the information necessary to setting standards for industry subcategories—for example, information on such factors as the VOC content of inks used and the average application rate for these subcategories.

Selection of Numerical Emission Limits

The proposed standard would require facilities that use inks having a VOC-to-ink solids ratio greater than or equal to 1.0 to achieve an 85 percent reduction in VOC emissions. This 85 percent reduction may be achieved by a capture efficiency of 90 percent and a control device efficiency of 95 percent. However, other combinations of capture efficiencies and control device efficiencies are possible and would be acceptable as long as the 85 percent reduction is achieved.

The percent reduction standard is based on test data for the best system of emission reduction which was determined to be an efficient capture system combined with carbon adsorption. The data were obtained during emission source testing of a flexible vinyl printing line that was printing wallcovering products. The capture efficiency and emission reduction results determined during the test would be applicable to the entire flexible vinyl printing industry as it is defined in the proposed standard for several reasons. The rotogravure principles used in printing wallcovering are identical with the rotogravure principles involved in printing any other continuous vinyl web. All other continuous vinyl web products of the same width could be produced on the print line tested. An equivalent capture system and control device would be designed and installed on any continuous vinyl web rotogravure print line.

Air management around the print line is the most important factor in achieving the high capture efficiency demonstrated in the tests. The factors which affect the emissions from any flexible vinyl print line include air management equipment design parameters such as air velocities at capture points and configurations of dryers, print stations and capture systems. Emissions are also affected by process and product parameters such as solvent volatilities, resin types, web widths, line speeds and run lengths. Air management is not affected by the wide range of these process and product parameters. Therefore, the capture efficiency test results would not change for the printing of other products assuming good air management around the print line was maintained.

EPA conducted two testing programs at the wallcovering plant. After carefully studying the results from both testing programs, the Agency determined that data from the second testing program are representative of normal operations of the print line tested and for new print lines likely to be installed in the future. Data from the first testing program were not used in development of the standard because air management around the print line was adversely affected by air flow into and out of the room. An overhead fan designed to supply outside air to the room and a room exhaust wall fan cause such turbulence around the

rotogravure print stations that capture efficiency was lowered below design expectations. Both of these fans lacked adequate distribution systems and this poor air management caused the excessive turbulence. When the overhead fan and the wall fans were turned off during the second testing program, the capture efficiency met design expectations. During the test, make-up air was suupplied through doorways.

Ambient monitoring of VOC concentrations in the press room indicated that this did not contribute additional VOC nor were OSHA threshold limit values exceeded. Plants designed with adequate air distribution systems and good air management would avoid the problem of excessive turbulence.

The proposed standard requires an 85 percent reduction in VOC emissions. This reduction is calculated as the product of the capture system efficiency times the carbon adsorber efficiency. During seven test runs conducted during actual printing operations, capture system efficiency ranged from 90 to 95 percent, averaging 92 percent. The average efficiency of the three lowest test runs was 90 percent and therefore 90 percent capture system efficiency was used in setting the standard. The efficiency of the carbon adsorber ranged from 99 to nearly 100 percent during three test periods. However, a carbon adsorber efficiency of 95 percent was used in determining the level of the proposed standard for three reasons. First, the vendor of the carbon adsorption unit used at the vinyl printing plant tested guarantees the unit to be 95 percent efficient. The second reason for using the 95 percent efficiency was that the carbon adsorber efficiencies recorded during the testing are somewhat higher than would be the case under design conditions. At the plant tested, the system was new, it was operated only eight hours per day, and the carbon bed was regenerated twice at the end of each day. The second regeneration increases efficiency by almost completely removing the remaining solvent left on the carbon. Finally, carbon adsorber efficiencies of 95 percent have been demonstrated and used as the basis for standards of performance for two other web coating industries.

Based on the test results, the overall control requirement of 85 percent was selected as the level that can be achieved by the best demonstrated technology in all control situations expected to occur at new, modified, and reconstructed facilities.

Considering that as solvent content decreases, the emissions reduction and thus the benefit of add-on controls decreases, the Administrator examined costs and benefits of controls on low-solvent inks.

The VOC content per unit of ink solids in currently used solvent-borne inks ranges from 2.3 to 19 kg VOC per kg ink solids and could not be lowered by the substitution of water for organic solvent. The resins and organic solvents in present solvent-borne formulations are not compatible with water. Waterborne inks will use different resins and slovents from those presently used in solvent-borne inks. Data and information gathered from several industry sources and ink suppliers indicate that the VOC content of waterborne inks being developed and used ranges from 0.0 kg VOC per kg ink solids to 0.75 kg VOC per kg ink solids. It is reported that the VOC content in these waterborne inks can only exceed 0.75 kg VOC per kg ink solids by a small degree because of technical problems involving the high boiling point characteristics of the organic solvents used. Increased quantities of these high boiling point solvents in the inks inhibit the drying process and cause product quality problems. Additional solvent is sometimes introduced at the press for viscosity control purposes and could possibly cause the total VOC content of the ink to be as much as 1.0 kg per kg ink solids.

The cost of installing, operating, and maintaining either carbon adsorbers or incinerators as control devices at plants using inks with less than 1.0 kg VOC per kg ink solids would be exorbitant, considering the small emission reduction which would be achieved for these low-solvent inks. At a typical plant, emissions would be reduced by 65 mg per year at an annualized cost of $300,000. Because of the exorbitant cost, additional control for affected facilities at which the inks used contain less than 1.0 kg VOC per kg ink solids would not reflect the best demonstrated technology, considering costs, and is therefore not required by the proposed standard. There is no precise basis for a limit of 1.0 kg of VOC per kg ink solids. As discussed above, however, the Agency believes that solvent-borne inks with a VOC content in the 1.0 to 2.3 kg VOC per kg ink solids range would not be developed in the absence of a standard due to technical application problems involving ink viscosity and drying of the printed web. The Agency does not want to unintentionally encourage the development of inks in this range. A standard with a cut-off at 1.0 kg VOC per kg ink solids achieves the greatest reduction possible without exorbitant cost and EPA is therefore proposing 1.0 kg VOC per kg ink solids as the level below which the percent reduction standard would not apply. The cost of carbon adsorber control systems for inks with VOC contents greater than 2.3 kg VOC per kg ink solids would be reasonable.

Modification and Reconstruction Considerations

The proposed standard would leave unchanged the requirements in the General Provisions (40 CFR 60.14 and 6.15) for modified and reconstructed facilities. Facilities which are modified or reconstructed after the date of proposal of this standard are subject to the standard.

A modification is any physical or operational change to an existing facility which results in an increase in emissions. In general, modifications are made to increase productivity or improve product quality. Certain changes have been exempted from coverage under the General Provisions in 40 CFR 60.14. These exemptions include: routine maintenance, repair and replacement; production increases achieved without any capital expenditure; production increases resulting from an increase in the hours of operation; use of an alternative fuel or raw material if the existing facility was designed to accommodate it; conversion to coal for energy considerations; addition or replacement of equipment for emission control (as long as the replacement does not increase emissions); and relocation or change of owership of an existing facility. Therefore, typical production debottlenecking, more efficient scheduling, and increased hours of operation are not likely to cause an existing facility to become subject to the standards. Changes in ink composition would also be exempted if the equipment were originally designed to handle the new inks.

Reconstruction is defined as the replacement of components of an existing facility to the extent that the fixed capital cost of the new components is greater than 50 percent of the fixed capital cost of a comparable entirely new facility and that compliance with the standard is technically and economically feasible. A change in the emission rate is inconsequential. Reconstruction determinations are made on a case-by-case basis.

Extensive equipment modifications and reconstructions are not expected to

occur in the flexible vinyl industry. In this industry, there are few changes that can be made to the print line that outside of routine maintenance would not require a large capital investment and therefore require a reconstruction determination to be made. In this case, it is likely that plant owners would choose to build a totally new print line since the cost of a new print line would be comparable to the cost of retrofitting an existing line. Although these changes are not expected, both modified and reconstructed existing facilities could achieve the proposed emission limit by using the best demonstrated technology. Environmental and energy impacts would be essentially equivalent to impacts for new facilities and would be reasonable. Economic impacts would vary with different site-specific requirements but would be comparable to the impacts for new facilities and would be reasonable.

Selection of Monitoring and Recordkeeping Requirements

Continuous monitoring requirements are included in the proposed standard to ensure proper operation and maintenance of the VOC emission control system. Monitoring procedures for the proposed standard were chosen based on three factors: reasonable cost, ease of execution, and utility of the resulting data to both the owner and to EPA for assuring continued proper operation.

Proposed monitoring requirements for the control system would include the continuous measurement and recording of VOC emissions from the carbon adsorber. Monitoring equipment is available to moniotor the operational variables associated with carbon adsorber operation. Monitoring of operations indicates whether the adsorber is being properly operated and maintained, and whether it is continuously reducing VOC emissions to an acceptable level. The variable that would yield the best indication of system operation is VOC concentration at the carbon adsorber outlet. Extremely accurate measurements would not be required since the purpose of the monitoring would not be to determine the exact outlet emissions but rather to indicate operation and maintenance practices regarding the carbon adsorber. Monitors for this type of continuous VOC concentration measurement typically cost about $6,000. To achieve representative VOC concentration measurements at the carbon adsorber outlet, the concentration monitoring device should be installed in the exhaust vent at least two equivalent stack diameters from the exit point, and protected from any interferences due to wind, weather, or other processes. A recording device must also be installed so that a permanent time record of the measurements is produced.

EPA has not yet developed performance specifications for these continuous monitors, but a program is underway to develop these specifications. Consequently, until EPA proposes and promulgates monitor performance specifications, owners and operators subject to the requirement to install a continuous monitoring system will not be required to do so.

During the performance test, concentrations of VOC in the carbon adsorber exhaust gases would be determined using EPA proposed Reference Method 25A and at the same time the corresponding continuous monitoring system readings would be taken, assuming the monitoring system performance specifications have been promulgated. After the performance test, records of all continuous monitoring data must be maintained in accordance with the General Provisions (40 CFR 60.13). The proposed standard would also require a record to be kept of all occurrences, during any three-hour period of solvent recovery emission control device operation, when the average concentration of VOC in the carbon adsorber exhaust gases indicated by the continuous monitoring system is more than 50 parts per million by volume and more than 20 percent greater than the exhaust gas concentration measured by the monitoring system during the most recent performance test. Such a discrepancy would indicate improper operation of the carbon adsorption system.

Selection of Performance Tests Methods

Performance test methods are being proposed to determine the overall control efficiency of the control system or to ensure the use of waterborne inks. For affected facilities using carbon adsorbers, performance is demonstrated by determining the overall control efficiency of the VOC control system. The overall efficiency is the product of the efficiency of the vapor capture system and the efficiency of the control device (when all efficiencies are expressed as fractions).

The performance test for affected facilities using an emission control system would consist of three test runs, each lasting a minimum of 30 minutes and not exceeding 180 minutes. During each of these test runs, the overall efficiency of the emission control system would be determined. Each test run must be a continuous run. This would require process monitoring and recording of beginning and ending of print line operation since no down time can occur during any test run. In this industry, down periods are commonly required to prepare the print line for operation. Much of this time is spent in changing patterns, adjusting inks to the correct color shade, and registering of each colored pattern. The emissions during these down periods vary from time to time, from plant to plant, and from product to product. Most of the emissions occur when the product is being printed.

Test runs of at least 30 minutes were chosen to demonstrate capture efficiency of the print line for the following reasons: (1) 30-minute periods are short enough to enable all vinyl printing lines to complete the period without a major line fluctuation or disturbance; (2) this period is long enough so that it represents a steady of the printing process; and (3) 30-minute runs are necessary to allow ample time for velocity flow measurements to be obtained in the stacks venting the printing room or exhausting to the control device. The maximum test run time period of 180 minute was set so that performance tests would not be excessively long and therefore penalize plants that use longer operating periods. The same periods was selected for the carbon adsorber test in order to provide the basis for calculating the overall recovery efficiency. The average of the three test runs would be defined as the overall VOC emission control efficiency attributable to that control system.

The efficiency of the vapor capture system is defined as the ratio of the volume of gaseous VOC emissions directed to the emission control device to the total volume of gaseous VOC emissions from the flexible vinyl printing line. In order to determine capture efficiency, all fugitive VOC emissions from the printing area must be captured and vented through stacks suitable for testing. A total enclosure around the print line will facilitate testing by serving to direct all fugitive VOC emissions through suitable testing stacks. If a permanent total enclosure or its equivalent exists on the line prior to the performance test and the enforcing agency is satisfied that the enclosure is capturing all fugitive emissions, the construction of a temporary enclosure would not be necessary. Otherwise, prior to the performance test, the owner or operator would need to construct a temporary total enclosure around the print line for the purpose of containing fugitive VOC emissions for measurement during the performance

test. In both cases, all doors and other opening through which fugitive VOC emissions might escape would be closed.

If an embosser is operated in the print line, the performance test would be conducted either with the embosser heat turned off and the embosser exhaust tested in the same manner as a room exhaust stack or by separating the embosser from the print line by a total enclosure around the print line. As discussed above, emissions generated by embossers are not being considered under the proposed standard.

Print line emissions would be measured following proposed Reference Method 25A, "Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer" and Reference Methods 1 through 4. The combined results yield the mass of VOC.

The efficiency of the emission control device would be determined by measuring the VOC mass flow rate in the inlet and outlet gas streams. The efficiency of the control device can then easily be calculated using these two measurements. These VOC emission measurements would also be accomplished following EPA proposed Reference Method 25A and Methods 1 through 4.

Demonstration of the efficiency of the control device must be performed simultaneously with the demonstration of the efficiency of the vapor capture system. Demonstration of an 85 percent overall emission reduction for the specified periods would indicate compliance with the proposed standard.

The total time required for one complete performance test is estimated at 24 hours, with an estimated cost of $6,000 for each vent measured. The number of vents to be measured varies with plant configuration and may range from three to six, for a total cost of $18,000 to $36,000. In order to measure all emissions from the print line being tested, it must be isolated from other sources of VOC. This can be done by testing while adjoining lines are down or by constructing a temporary total enclosure around the line. Costs of such an enclosure vary depending on configuration of the print line.

Proposed Reference Method 25A was selected to measure the VOC concentration because it provides a continuous record of VOC concentrations. A continuous record is necessary because of print line and control device fluctuations. Monitoring that is not continuous would not give a representative indication of emissions.

Owners or operators of affected facilities using waterborne inks would be required to record the VOC content of each ink as used at the press for any time periods when add-on control equipment is not used. Either the ink manufacturer's formulation data or Reference Method 24 could be used to analyze inks. The weighted average VOC content would be calculated over a time period not exceeding a calendar month. Each of these time periods would constitute a performance test, but results must be reported to the Administrator only for the initial performance test. If all inks used during the time period contain less than 1.0 kg VOC per kg ink solids, records of the VOC content of each ink must be kept, but calculation of the weighted average is not necessary.

The averaging period of 1 calendar month was selected to allow manufacturers that rely primarily on waterborne inks to use high solvent inks for a short period of time without requiring the expenditure for control equipment. This encourages the development of waterborne inks by allowing some degree of operational flexibility. At a meeting of the National Air Pollution Control Techniques Advisory Committee held September 22, 1981, one industry representative stated that an averaging period of 1 month is not long enough to allow sufficient operational flexibility. He suggested a 90 day averaging period, but did not provide data to support this recommendation. EPA has investigated this issue and on the basis of available information has determined that the 1 month averaging period is sufficient. This determination is filed in the Docket (A–80–8, II–B–49). Comments are specifically requested on this issue.

To determine the solvent content of the inks applied, the owners or operators of affected facilities would determine the VOC content of each ink used as well as the mass of all VOC solvent used at the print line. The method for meauring the solvent content in the inks if Reference Method 24, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings," promulgated at 45 FR 65956, October 3, 1980. This method combines several American Society of Testing and Materials (ASTM) standard methods to determine the volatile matter content, density, volume of solids, and water content of the inks and related surface coatings. From this information, the mass of volatile organic compounds (VOC) per unit mass of solids may be calculated.

Because the proposed flexible vinyl printing emission limit for VOC is in units of mass of VOC per mass of ink solids, only the portions of Reference Metod 24 discussed below need to be used. This shortens the test method by eliminating several steps. For non-aqueous inks, the procedure to be used is ASTM D 2369–81, "Provisional Test Method for Volatile Content of Paints." For aqueous inks, the previously mentioned procedure (ASTM D 2369–81) is combined with a second procedure which determines the water content of the inks. As indicated in Method 24, there are two acceptable procedures for this: (1) ASTM D 3792–80, "Standard Test Method for Water in Water Reducible Paint by Direct Injection Into a Gas Chromatograph," and (2) ASTM "Provisional Test Method for Water in Paint or Related Coatings by the Karl Fischer Titration Method." All three of the ASTM methods are part of Reference Method 24. The results from these procedures are the non-aqueous volatile content of the ink (as a weight fraction) and the water content (as a weight fraction). The weight fraction solids content in the inks is also determined from these results. The VOC content in the ink, in mass of VOC per mass of ink solids, may be determined by dividing the weight fraction of non-aqueous volatiles by the weight fraction of solids.

The estimated cost of analysis per ink sample is $50 for the total volatile content procedure (ASTM D 2369–81). For aqueous coatings, there is an additional $100 per sample for water content determination. Since the testing equipment is standard laboratory apparatus, no additional purchasing costs are expected.

Impacts of Reporting Requirements

The "Reports Impact Analysis of New Source Performance Standards for the Flexible Vinyl Printing Industry" is located in Docket No. A–80–8, category II–A. The results of the analysis are summarized in this section.

The reporting requirements specified by the proposed standard are authorized by Section 114 of the Clean Air Act. The proposed standard would require the preparation of two types of reports. First, the General Provisions (Subpart A of 40 CFR 60) would require notification reports that inform the Agency of facilities subject to new source performance standards (NSPS). These reports include notification of construction, anticipated start-up, actual start-up, and physical or operational changes. Second, reports of performance test results and performance evaluations of the continuous monitoring systems would be required. These reports show whether a facility is initially meeting the level of the standard. The proposed

standard would not require any additional reporting.

The respondent group to the reporting requirements of the proposed standards would be the flexible vinyl printing industry. It is estimated that through the fifth year of standard applicability, approximately six new sources will have been established which would have to comply with the reporting requirements of the proposed standard. Through the fifth year of applicability, those six sources would incur a manpower demand of about 2.1 man years to comply with the reporting requirements.

Public Hearing

A public hearing will be held to discuss the proposed standard in accordance with Section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the **ADDRESSES** section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the **ADDRESSES** section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, D.C. (see **ADDRESSES** section of this preamble).

Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered in the development of this proposed rulemaking. The principal purposes of the docket are: (1) To allow interested parties to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review.

Miscellaneous

As prescribed by Section 111, establishment of standards of performance for the printing of flexible vinyl products was preceded by the Administrator's determination (40 CFR 60.16, 44 FR 49222, dated August 21, 1979) that industrial surface coating of fabric contributes significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. In accordance with Section 117 of the Act, publication of this proposal was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. The Administrator will welcome comments on all aspects fo the proposed regulation, including economic and technological issues.

This regulation will be reviewed within 4 years of the date of promugation. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, and improvements in emission control technology, and reporting requirements. The reporting requirements in this regulation will be reviewed as required under EPA's sunset policy for reporting requirements in regulations.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance under Section 111(b) of the Act. An economic impact assessment was prepared for the proposed regulations and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the proposed standards to insure that the proposed standards would represent the best system of emission reduction considering costs. The economic impact assessment is included in the BID.

Comparisons of annualized costs per megagram of emission reduction at a typical plant were made between all three Regulatory Alternatives and an uncontrolled plant. Compared to an uncontrolled plant, Alternatives I, II, and III would result in emission reductions of 440 megagrams (485 tons), 510 megagrams (560 tons), and 580 megagrams (640 tons), respectively. Using these emission reduction figures, annualized costs per megagram (cost per ton) of emission reduction would be $160 ($140), $115 ($100), and $80 ($75), respectively for Alternatives I, II, and III.

At a typical plant, Alternative II would result in an annual emission reduction of 70 megagrams (77 tons) more than Alternative I. Alternative II would have an annualized cost of $11,400 less than Alternative I for a savings of $160 per megagram ($150 per ton) of emission reduction. Compared to Alternative I, the application of Alternative III would result in an increased emission reduction of 140 megagrams (150 tons). The annualized cost of Alternative III would $21,800 less than Alternative I for a savings of $160 per megagram ($140 per ton) of emission reduction.

Alternative III would result in an annual emission reduction of 70 megagrams (77 tons) more than Alternative II at a typical plant. Annualized control costs are $10,400 less for Alternative III and this would result in an annual savings of $150 per megagram ($135 per ton) of emission reduction.

To summarize, the additional solvent that could be recovered under Alternatives II and III would result in decreased annualized costs of control and thus in decreasing cost per ton of emission reduction when the three alternatives are compared to an uncontrolled plant. When higher control levels are compared to lower control levels, the potential credit for increased solvent appears as a savings in the cost of emission reduction. Alternative III would have the lowest annualized cost, the highest emission reduction and therefore the lowest annualized cost of emission reduction.
Alternative III reflected the best demonstrated technology and was therefore selected as the proposed level of control.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be major. The industry-wide annualized costs in the fifth year after the standard would go into effect would be $289,000. This is much less that the $100 million established as the first criterion for a major regulation in the Order. The estimated price increase of less than 0.05 percent associated with the proposed standards would not be considered a "major increase in costs or prices" specified as the second criterion in the Order. The economic analysis of the proposed standard's effects on the industry did not indicate any significant adverse effects on competition, investment, productivity, employment, innovation, or the ability of U.S. firms to compete with foreign firms (the third criterion in the Order).

This regulation was submitted to the Office of Management and Budget 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 in the docket referenced in the addresses section of this preamble.

Section 605 of the Regulatory Flexibility Act (RFA) requires that the Administrator certify regulations that do not have a significant impact on a substantial number of small entities. This regulation, if promulgated, will not have a significant impact on any small

entities as shown by the economic analysis discussed earlier in this preamble.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminim, Ammonium sulfate plants, Asphalt, Cement industry, Coal copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel sulfuric acid plants, Waste treatment and disposal, Zinc.

Dated: January 11, 1983.

Anne M. Gorsuch,

Administrator.

PART 60—[AMENDED]

It is proposed that 40 CFR Part 60 be amended by adding a new Subpart FFF to read as follows:

Subpart FFF—Standards of Performance for Flexible Vinyl Coating and Printing Operations

Sec.

60.580 Applicability and designation of affected facility.
60.581 Definitions and symbols.
60.582 Standard for volatile organic compounds.
60.583 Test methods and procedures.
60.584 Monitoring of operations and recordkeeping requirements.

Authority: Sec. 111, 301(a) of the Clean Air Act as amended 142 U.S.C. 7411, 7601(a)1, and additional authority as noted below.

Subpart FFF—Standards of Performance for Flexible Vinyl Coating and Printing Operations

§ 60.580 Applicability and designation of affected facility.

(a) The affected facility to which the provisions of this subpart apply is each rotogravure printing line used to print or coat flexible vinyl products.

(b) This subpart applies to any affected facility which begins construction, modification, or reconstruction after January 18, 1983.

(c) For facilities controlled by a solvent recovery emission control device, the provisions of § 60.584(a) will not apply until EPA has promulgated performance specifications for the continuous monitoring system. After the promulgation of performance specifications, these provisions will apply to each affected facility under paragraph (b) of this section. Facilities controlled by a solvent recovery emission control device that become subject to the standard prior to promulgation of performance specifications must conduct performance tests in accordance with § 60.13(b) after performance specifications are promulgated.

§ 60.581 Definitions and symbols.

(a) All terms used in this subpart, not defined below, are given the same meaning as in the Act or in Subpart A of this part.

"Emission control device" means any solvent recovery device used to control VOC emissions from flexible vinyl rotogravure printing lines.

"Emission control system" means the combination of an emission control device and a vapor capture system for the purpose of reducing VOC emissions from flexible vinyl rotogravure printing lines.

"Flexible vinyl products" means those products, except for resilient floor coverings (1977 SIC industry code 3996), that consists of or contain a vinyl sheet or a vinyl coating, and are more than 50 micrometers (0.002 inches) thick.

"Gravure cylinder" means a planted cylinder with a printing image consisting of minute cells or indentations, specifically engraved or etched into the cylinder's surface to hold ink when continuously revolved through a fountain of ink.

"Ink" means any mixture of ink, coating solids, VOC, and water that is applied to the web substrate of a flexible vinyl rotogravure printing line.

"Ink solids" means the solids content of an ink as determined by Reference Method 24 or ink manufacturers' formulation data.

"Rotogravure print station" means any device designed to print or coat inks on one side of a continuous web or substrate using the intaglio printing process with a gravure cylinder.

"Rotogravure printing line" means any number of rotogravure print stations and associated dryers capable of printing or coating simultaneously on the same continuous vinyl web or substrate, which is fed from a continuous roll.

"Vapor capture system" means any device or combination of devices designed to contain, collect, and route solvent vapors released from the flexible vinyl rotogravure printing line.

(b) All symbols used in this subpart not defined below are given the same meaning as in the Act or in Subpart A of this part.

"a" means the gas stream vents exiting the emission control device.

"b" means the gas stream vents entering the emission control device.

"f" means the gas stream which is not directed to an emission control device.

"C_{aj}" means the average concentration of VOC in each gas stream (j) for the time period exiting the emission control device, in parts per million by volume.

"C_{bi}" means the average concentration of VOC in each gas stream (i) for the time period entering the emission control device, in parts per million by volume.

"C_{fk}" means the concentration of VOC in each gas stream (k) for the time period which is not directed to an emission control device, in parts per million by volume.

"G" means the weighted average mass of VOC per mass of ink solids applied, in kilograms per kilogram.

"M_{ni}" means the total mass of each ink (i) applied in the time period as determined from plant records, in kilograms.

"M_{di}" means the total mass of dilution solvent added at the print line for each ink (i) used in the time period determined from plant records, in kilograms.

"Q_{aj}" means the volumetric flow rate of each effluent gas stream (j) exiting the emission control device, in dry standard cubic meters per hour.

"Q_{bi}" means the volumetric flow rate of each effluent gas stream (i) entering the emission control device, in dry standard cubic meters per hour.

"Q_{fk}" means the volumetric flow rate of each effluent gas stream (k) not directed to an emission control device in dry standard cubic meters per hour.

"E" means the VOC emission reduction efficiency (as a fraction) of the emission control device during performance testing.

"F" means the VOC emission capture efficiency (as a fraction) of the vapor capture system during performance testing.

"W_{oi}" means the weight fraction of organics in each ink (i) used in the time period as determined from Reference Method 24 or manufacturers' formulation data, in kilograms per kilogram.

"W_{si}" means the weight fraction of solids in each ink (i) used in the time period as determined from Reference Method 24 or manufacturers' formulation data, in kilograms per kilogram.

§ 60.582 Standard for Volatile Organic Compounds.

(a) On and after the date on which the performance test required by § 60.8 has been completed, each owner or operator subject to this subpart shall either:

(1) Use inks with a weighted average VOC content less than 1.0 kg VOC per kg ink solids, at each affected facility, or

(2) reduce VOC emissions to the atmosphere by 85 percent from each affected facility.

§ 60.583 Test Methods and Procedures.

(a) Reference Methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance with § 60.582(a) as follows:

(1) Method 24 for VOC content in inks;

(2) Method 25A for VOC concentration (the calibration gas shall be propane);

(3) Method 1 for sample and velocity traverses;

(4) Method 2 for velocity and volumetric flow rates;

(5) Method 3 for gas analysis;

(6) Method 4 for stack gas moisture;

(b) To demonstrate compliance with § 60.582(a)(1), the owner or operator of an affected facility shall determine and record the VOC content of each ink used at the print head, including any diluent VOC, for any time periods when VOC emission control equipment is not used and determine the weighted average VOC content of the inks. Each determination of the weighted average VOC content shall constitute a performance test for any period when VOC emission control equipment is not used. Only results of the initial performance test must be reported to the Administrator. Reference Method 24 or ink manufacturer's formulation data may be used to determine the VOC content. The Administrator may require the use of Reference Method 24 if there is a question concerning the accuracy of the ink manufacturer's data. The weighted average VOC content shall be computed by the following equation:

$$G = \frac{\sum_{i=1}^{n} [(W_{oi} M_{ci}) + M_{di}]}{\sum_{i=1}^{n} M_{ci} W_{si}}$$

The weighted average shall be calculated over a period that does not exceed a calendar month. If, during the time periods when emission control equipment is not used, all inks used contain less than 1.0 kg VOC per kg ink solids, the owner or operator is not required to calculate the weighted average VOC content, but must verify and record the VOC content of each ink used.

(c) To demonstrate compliance with § 60.582(a)(2), the owner or operator of an affected facility controlled by a solvent recovery emission control device shall conduct a performance test to determine overall VOC emission control efficiency. This performance test shall consist of three runs. Each test run must last a minimum of 30 minutes and may not exceed 180 minutes. During each test run, the print line shall be printing continuously and operating normally. The VOC concentration for each test run is averaged over the entire test period. For concentration values, each emission site shall be measured simultaneously. The volumetric flow rate for each run shall be determined from one Method 2 measurement conducted immediately prior to, during or after the test run time period. For volumetric flow rates, each site does not need to be tested simultaneously. An efficiency is calculated for each run as follows. For the emission control system,

$$E = \frac{\sum_{i=1}^{n} (Q_{bi} C_{bi}) - \sum_{j=1}^{m} (Q_{aj} C_{aj})}{\sum_{i=1}^{n} (Q_{bi} C_{bi})}$$

For the vapor capture system,

$$F = \frac{\sum_{i=1}^{n} (Q_{bi} C_{bi})}{\sum_{i=1}^{n} (Q_{bi} C_{bi}) + \sum_{k=1}^{p} (Q_{fk} C_{fk})}$$

In order to determine capture efficiency, all fugitive VOC emissons from the printing area must be captured and vented through stacks suitable for testing. For each affected facility, compliance with § 60.582(a)(2) has been demonstrated if the average value of (EF) for the three runs, as a percent, is equal to or greater than 85 percent.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414))

§ 60.584 Monitoring of Operations and Recordkeeping Requirements.

(a) The owner or operator of an affected facility controlled by a solvent recovery emission control device shall install, calibrate, operate, and maintain a continuous monitoring system which continuously measures the VOC concentration of the exhaust vent stream from the control device and shall comply with the following requirements:

(1) The continuous monitoring system shall be installed in a location that is representative of the VOC concentration in the exhaust vent, at least two equivalent stack diameters from the exhaust point, and protected from any interferences due to wind, weather, or other processes.

(2) Each continuous monitoring system shall be equipped with a recording device so that a permanent time record of the measurements is produced.

(3) The exhaust vent VOC concentration, in parts per million by volume, shall be continuously measured and recorded during the performance tests. The owner or operator shall record any three-hour clock periods, following the most recent performance test, during which the average value of the exhaust vent VOC concentration during periods of solvent recovery emission control device operation, is greater than 50 ppm and more than 20 percent greater than the average value measured during the performance test.

(b) The owner or operator of an affected facility shall record time periods of operation when an emission control device is not in use.

Note.—This regulation does not involve a "collection of information" as defined under the Paperwork Reduction Act of 1980. Therefore, the provisions of the Paperwork Reduction Act applicable to collections of information do not apply to this regulation.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414))

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January 18, 1983

Part IV

Department of Labor

Employment and Training Administration

Implementing Regulations for Programs Under the Job Training Partnership Act; Proposed Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638

Implementing Regulations for Programs Under the Job Training Partnership Act (Pub. L. 97-300)

January 14, 1983.

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: This document proposes new rules regarding the implementation of programs under Titles I, II and III of the Job Training Partnership Act. The Secretary is required to publish final regulations by March 15, 1983, so that states and service delivery areas can begin planning and preparing for implementation of the new Act by October 1, 1983. The purpose of this publication is to request comments on these proposed rules.

Final rules dealing with the establishment of state job training coordinating councils and private industry councils (PICs), and the designation of service delivery areas (SDAs), were previously published in the **Federal Register**, 47 FR 58492 (December 30, 1982) as 20 CFR Part 626. The text of §§ 626.2, 626.3 and 626.4 of those rules has been incorporated as §§ 627.4, 628.1 and 628.2 respectively. It is being republished at this time for consistency and completeness, and is not subject to this request for comments.

DATE: Comments must be submitted on or before February 17, 1983.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213. Attention: Patrick J. O'Keefe, Director, Transition Task Force.

FOR FURTHER INFORMATION CONTACT: Patrick J. O'Keefe, Telephone (202) 376-8444.

SUPPLEMENTARY INFORMATION:

A. Purpose of JTPA

On October 13, 1982, the President signed into law the Job Training Partnership Act, Pub. L. 97-300 (JTPA or the Act). The new statute replaces the Comprehensive Employment and Training Act with a new program and delivery system to train economically disadvantaged persons and others for permanent, private sector employment.

Title I of the Act sets forth the state and local service delivery system and planning requirements. It provides policies and procedures on the development and implementation of performance standards and defines basic administrative requirements under the Act. Title II authorizes and sets out requirements for adult and youth training programs to be administered by the state and planned and carried out through a partnership between the private sector and government at the local level. Title III provides for a state administered training and placement assistance program for dislocated workers. Title IV authorizes federally administered activities, including programs for Native Americans, migrant and seasonal farmworkers, veterans, labor market information, the Job Corps, and other national activities. Title V's provisions include amendments to the Wagner-Peyser Act and the Social Security Act.

B. Authority to Issue Regulations

General rulemaking authority is contained in section 169 of the Act. In addition, section 181 provides for the early publication of those regulations necessary to structure and implement the planning system under Title I of the new statute and all aspects of programs under Title II. By January 1, 1983, the Secretary must have published final regulations on the establishment of the state job training coordinating councils and the designation of SDAs. By January 15, 1983, the Secretary must have published final regulations governing the establishment of PICs. Final regulations governing all aspects of programs under Title II, including the general provisions which are found in Title I, must be published by March 15, 1983.

Combined regulations for the establishment of the state job training coordinating councils, the designation of SDAs and the establishment of PICs have been separately prepared and were published in final form December 30, 1982. To provide early and complete guidance for all programs operated at the state and local level, the combined regulations establishing the planning structure, and the provisions for employment and training assistance for dislocated workers under Title III are incorporated in these regulations. This will afford reviewers of this document an opportunity to place all planning and operational considerations in context, and at the same time alert states and service deliveres to their ultimate roles under the JTPA beginning October 1, 1983, and beyond. Comments received as a result of this publication will be reconciled by the Department so that final regulations for Titles I, II and III can be published by March 15, 1983.

C. The Act and Regulations

The Congress intended in the JTPA to give Governors and local officials, including PICs, maximum authority and flexibility in the design and administration of programs. The Secretary believes that the Act is sufficiently clear and, therefore, requires only limited and selective interpretation via regulations. Governors and other participants in the delivery system will need to be guided principally by the Act, as supplemented by the regulations. The Act and regulations must be read in concert, along with other documents referenced in these materials.

D. The Role of the PICs and Chief Elected Officials

JTPA establishes a partnership between business and local chief elected officials in each SDA. Through this partnership, the private sector, in cooperation with local elected officials, will play a decisive role in planning and implementing local programs to assure that training is responsive to the requirements of business and industry. JTPA also gives the PIC and local elected officials authority to review, monitor and evaluate local training programs.

Under section 103 of the Act, the PICs and chief elected official(s) in an SDA, through a joint agreement, determine procedures for development of the job training plan and select the SDA grant recipient and administering entity (either or neither of which may be the PIC or local government). Job training plans must be jointly approved by the PIC and local government officials and jointly submitted to the governor.

E. The Role of the Governors

Consistent with JTPA and New Federalism, the regulations establish the basic JTPA grant relationship between the federal government and the governors, on behalf of the states (§ 627.1). Sections 202 and 251 of the Act identify the governor as the recipient of basic Title II training program funds. The governor is also the recipient of Title III disclocated workers program funds (§ 631.1).

Under sections 101 and 105 of the Act, the governors are responsible for designation of service delivery areas, and review and approval of job training plans. The regulations clarify these responsibilities by authorizing the governors to issue instructions and schedules for submission of job training plans and modifications (§ 628.4) and to reconsider corrected plans or modifications initially disapproved by the governor (§ 628.5(a)(2)). In the event

of appeal from a governor's denial of SDA designation or disapproval of a job training plan, however, the Secretary will be predisposed to accept policy judgments made within the state, except where there is a failure to conform to the requirements of the Act or regulations (§§ 628.1(c)(4), 628.5(b)(3)).

The governors are also responsible, under the regulations, for administrative guidance. Governors must provide instructions for documentation of any locally developed formula or procedure for needs-based payments (§ 629.21(b)). They are also authorized to establish policies and procedures governing an SDA's use of income generated by its program (§ 629.32).

With respect to oversight and monitoring, governors have a lead role. Governors are responsible for ensuring maintenance of financial and participant data systems which meet federal monitoring, reporting, and evaluation purposes (§ 629.35). Under section 164(a) of the Act, the states must arrange for an audit of all Titles II and III funds for two years. The regulations clarify that such audits and their resolution are the responsibilities of the governors (§ 629.42).

The governors must also assess the performance of SDAs in their states under the performance standards and, as appropriate, provide incentive grants or technical assistance to SDAs which exceed or fail to meet their performance standards. In instances of repeated failure to meet performance standards, the governor is directed, under section 106(h) of the Act, to reorganize the SDA.

F. Liability and Repayment of Misexpenditures

A fundamental principle underlying the JTPA Act and regulations is that responsibility for the proper disposition of resources flows with the funds. Sections 141(i) and 164 (d), and (e) of the Act impose responsibility on both recipients and subrecipients to assure the proper expenditure of funds. Under section 164 (d) and (e) of the Act, recipients must repay all misexpenditures of funds to the United States. Before sanctioning a recipient for violations of a subrecipient, however, the Secretary must determine whether the four factors in section 162(e)(2) of the Act have been met. Thus, where a recipient's systems for awarding and monitoring contracts, the content of its contracts, its diligence in monitoring, and its actions upon discovering violations demonstrably comply with the forgiveness criteria of section 162(e)(2), the Secretary may waive sanctions against the recipient.

The regulations clarify that the Department's pursuit of misexpenditures will flow first to the governor, as state recipient, and then, through the state, to the SDA grant recipient and other subrecipients. The regulations require governors to resolve state-conducted audits as well as disallowances revealed through federal audits, investigations or monitoring reports (§§ 629.42(d), 629.44(d)). The regulations permit governors to request the Secretary's prior approval of "contemplated corrective actions," including requests to forego collection action where a subrecipient meets the forgiveness criteria in section 164(e) of the Act (§ 629.44(d) (3), (4)). The Governor is not released from liability, however, until the Secretary determines that further collection action would be inappropriate or would prove futile (§ 629.44(D)(5)). Moreover, relief of the governor's liability does not necessarily relieve the SDA grant recipient or other subrecipient of liability.

In addition to determining liability, the Secretary must determine the method of repayment. Section 164(e)(1) of the Act requires repayment from non-JTPA funds where the misexpenditure was due to "willful disregard" of the requirements of the Act, "gross negligence," or "failure to observe accepted standards of administration." In other cases the Secretary has the option, under section 164(d) of the Act, to recover misexpenditures through offset.

The regulations clarify that the Secretary will effect offset by withholding funds allotted to the state (§ 629.44(a)(1)). The governor, in turn, is authorized to pass along the Secretary's offset to the subrecipient incurring the misexpenditure (§ 629.44(e)). There is no requirement that grant expenditures be maintained at planned levels when funds are withheld.

Only those sanctions and corrective actions imposed directly by the Secretary against a recipient of funds are subject to federal administrative appeal provided by section 166(a) of the Act. In the usual case, the Secretary's sanction will be directed at the state recipient of funds, and federal administrative hearings on disallowances will be afforded only to governors. Subrecipients adversely affected by the results of an investigation, audit or monitoring activity are afforded a hearing at the state level (§ 629.54(c)(2)).

In sum, the Secretary retains the right and authority conferred by the Act to monitor and investigate any matters deemed necessary to assure compliance with the Act and these regulations. Similarly, the Secretary retains the right to conduct audits and impose sanctions, including the establishment of liability of misexpenditure of funds. Both recipients and subrecipients are liable for misexpenditures; the Secretary holds the governors accountable for collection of debts from subrecipients due to disallowed costs disclosed through audits to satisfy any financial liabilities, but does not waive the right to pursue such debts where the governor fails to do so.

G. Maximizing Training and Minimizing Administrative Burdens

The regulations reflect the principles of JTPA and New Federalism to devote maximum resources to training and to minimize federally-imposed administrative requirements.

Section 108 of the Act requires that, of the funds available to SDAs under Title II–A, a minimum of 70 percent must be devoted to training, with the remaining 30 percent being allowed for supportive services and work experience activities. Furthermore, of the 30 percent funds, no more than 15 percent may be devoted to administrative costs. The proposed regulations extend this 15 percent administrative cap to other Titles II and III program funds, and apply the 70/30 split both to the Title II statewide older worker programs and to funds distributed to SDAs as performance incentives (§ 629.39). The Department finds these applications of the administrative and non-training cost limitations to be consistent with the intent of JTPA to devote maximum resources to training.

The Department has also taken steps in the regulations to minimize administrative burdens. Following consultation with the Office of Management and Budget (OMB), the Secretary has been informed by the Director of OMB that, except for the few specific standards included in these regulations, the detailed administrative requirements of OMB Circulars A–87 and A–102 and implementing regulations in 41 CFR Part 29–70 do not apply to JTPA programs administered by the governors and their subrecipients (§ 629.1(c)). In addition, the regulations permit administrative cost pooling as a means of providing efficient program management (§ 629.39(g)).

With respect to reporting, only those minimal elements needed for basic fiscal reporting and/or the Secretary's establishment of performance standards will be collected in reports to the Secretary. The Department will require only annual reports, except during the

initial year when more frequent (quarterly) data will be needed (§ 629.36). These provisions are designed to keep federally imposed administrative requirements to a minimum.

The effectiveness of JTPA programs will be measured primarily through the use of performance standards. Under section 106 of the Act, the Secretary will define the performance standards and the parameters within which the standards may be adjusted by the governors to accommodate local conditions. The Act recognizes the complexity of the issues related to the development of reliable and meaningful performance standards and establishes January 31, 1984, as the Department's deadline for the establishment of performance standards for the first full program year. In developing performance standards, the Department will restrict data and paperwork requirements to those necessary to the implementation of Section 106 of the Act.

H. Grievances, Investigations and Hearings

To assure the fair and expeditious resolution of complaints and allegations of impropriety, the regulations contain procedural requirements for grievances, investigations and hearings. The Act and regulations establish separate federal and state procedures for various types of complaints and allegations.

The federal level complaint and hearing procedures provided under sections 164(f) and 166(a) of the Act are available only to JTPA recipients adversely affected by specified Department of Labor actions or sanctions (§ 629.57). Allegations at the federal level concerning violations of the Act of regulations are handled *ex parte* (§§ 629.54, 629.55). Discrimination complaints are handled under the Department's nondiscrimination regulations in 29 CFR Part 31. Pursuant to Section 166(a) of the Act, all other complaints for relief on behalf of individuals or groups asserting rights under the Act are handled exclusively under the state and/or subrecipient grievance procedures and applicable state or other laws.

Sections 629.52 and 629.53 of the regulations describe the grievance and review procedures at the state and subrecipient levels. In accordance with section 144(c) of the Act, the regulations provide for limited federal intervention in the state process, only upon exhaustion of the grievance and review procedures without decision (§ 629.52(d)). In such a case, the Secretary will determine whether reasonable cause exists to believe that the Act or its regulations have been violated. When reasonable cause does exist, the Secretary shall direct the Governor to issue a decision adjudicating the dispute pursuant to state and local procedures. The Secretary may sanction the Governor if a decision is not issued within 60 days of the Secretary's order.

The federal level complaint procedures provide an opportunity for parties to submit their dispute on a stipulated record to an informal reviewer for expedited decision (§ 629.56). Where informal reviewer procedures are not utilized or fail to provide a decision within 60 days, the Governor may request a federal hearing. The Department has proposed the adoption of the forthcoming uniform rules of practice and procedure now being developed by the Department of Labor Office of Administrative Law Judges for hearings at the Federal level.

I. Rulemaking Certifications

These proposed regulations are procedural in character and give direction to states and local service deliverers on the implementation of programs under Titles I, II and III of JTPA. Therefore, these rules are not classified as "major" under Executive Order 12291 on federal regulations, and no regulatory impact analysis is required.

The Department has determined that these rules will have no "significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 91 Stat. 1164 (5 U.S.C. 605(b)).

Pursuant to the authority contained in section 181(f)(5) of JTPA, Congress has provided for expedited rulemaking procedures to ensure that final rules are in place by March 15, 1983, as required by section 181(f)(3) of the Act. To meet this statutory deadline, Congress provided that "the Secretary shall be exempt from all requirements of law regarding rulemaking procedures," except that these rules must be published in the **Federal Register** for a comment period of 30 days, section 181(f)(5).

List of Subjects in 20 CFR Parts 626 through 631

Grant programs—Labor, Manpower training programs.

Accordingly, the Department proposes to revise 20 CFR Part 626, and add Parts 627, 628, 629, 630, and 631 and parts 632—638 are added and reserved as follows:

PART 626—INTRODUCTION TO THE REGULATIONS UNDER THE JOB TRAINING PARTNERSHIP ACT

Sec.
626.1 Scope and purpose of the Act.
626.2 Format of these regulations.
626.3 Table of contents for the regulations under the Job Training Partnership Act.
626.4 Definitions.

Authority: Job Training Partnership Act, Sec. 169, (29 U.S.C. 1501 et seq., Pub. L. 97-300, 96 Stat. 1322), unless otherwise noted.

§ 626.1 Scope and purpose of the Act.

(a) It is the purpose of the Act to:

(1) Establish programs to prepare youth and unskilled adults for entry into the labor force; and

(2) Afford job training to those economically disadvantaged individuals and others facing serious barriers to employment who are in special need of such training to obtain productive employment (Sec. 2).

(b) All provisions contained in these regulations and the Job Training Partnership Act shall take effect no later than October 1, 1983 (Sec. 181(f)).

§ 626.2 Format of these regulations.

(a) Regulations promulgated by the Department of Labor to implement the provisions of the Act are set forth in Parts 626 through 638 of Title 20 of the Code of Federal Regulations, with the exception of Job Corps regulations, which are set forth in Part 684 of Title 20.

(b) Nondiscrimination and equal opportunity requirements and procedures, including complaint processing and compliance reviews, will be governed by the provisions of 29 CFR Parts 31 and 32 and will be administered by the Office of Civil Rights.

(c) General authority for the regulations is found at Section 169 of the Act. Specific statutory authorities other than section 169 are noted throughout the regulations.

§ 626.3 Table of contents for the regulations under the Job Training Partnership Act.

Part 626—Introduction to the Regulations Under the Job Training Partnership Act

Sec.
626.1 Scope and purpose of the Act.
626.2 Format of these regulations.
626.3 Table of contents for the regulations under the Job Training Partnership Act.
626.4 Definitions.

Part 627—State Responsibilities Under the Job Training Partnership Act

Subpart A—State Planning Procedures

627.1 Eligible grant recipients.

Sec.
627.2 Governor's coordination and special services plan.
627.3 Funding.
627.4 State job training coodinating council.
627.5 Interstate agreements.

Subpart B—Statewide Programs

627.21 Distribution of State funds.
627.22 State education coordination and grants.
627.23 Training programs for older individuals.
627.24 State incentive grants.

Part 628—Service Delivery Areas Designated Under the Job Training Partnership Act

628.1 Service delivery areas.
628.2 Private industry council.
628.3 Selection of SDA grant recipient, administrative entity and service providers.
628.4 Job training plan.
628.5 Review and approval.
628.6 State SDA submission.

Part 629—General Provisions Governing Programs Under Titles I, II, and III of the Job Training Partnership Act

Subpart A—Program Design Requirements

629.1 General program requirements.
629.2 Public service employment prohibition.
629.3 Nonsectarian activities.

Subpart B—Payments, Benefits and Working Conditions

629.21 Needs-based payments.
629.22 Benefits and working conditions.

Subpart C—Administrative Standards and Procedures

629.31 Grant payments.
629.32 Program income.
629.33 Insurance.
629.34 Procurement.
629.35 Management systems, reporting and recordkeeping.
629.36 Reports required.
629.37 Allowable costs.
629.38 Classification of costs.
629.39 Limitation on certain costs.
629.40 Matching funds.
629.41 Property management standards.
629.42 Audits.
629.43 Oversight and monitoring.
629.44 Sanctions for violation of the Act.
629.45 Closeout.
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Part 635—Veterans' Employment Programs Under Title IV, Part C of the Job Training Partnership Act [Reserved]

Part 636—[Reserved]

Part 637—[Reserved]

Part 638—[Reserved]

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97–300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

§ 626.4 Definitions.

In addition to the definitions contained in Section 4 of the Act, the following definitions apply to thse regulations.

"Family" shall be defined by the Governor. An adult handicapped individual shall be considered a family of one when applying for programs under the Act (Sec. 4(8)).

"Family income" shall be defined by the Governor, consistent with the definition of family income for other State administered needs-based programs.

"Recipient" means the Governor.

"SDA grant recipient" means the entity that receives JTPA funds for an SDA directly from the Governor.

"Secretary" means the Secretary of Labor or the Secretary's designated representative(s).

"Subrecipient" means any person, organization or other entity which receives JTPA funds either directly or indirectly from the Governor. Depending on local circumstances the PIC, local elected official, or administrative entity may be a subrecipient. SDA grant recipients are particular types of subrecipients.

PART 627—STATE RESPONSIBILITIES UNDER THE JOB TRAINING PARTNERSHIP ACT

Subpart A—State Planning Procedures.

Sec.
627.1 Eligible grant recipients.
627.2 Governor's coordination and special services plan.
627.3 Funding.
627.4 State job training coordinating council.
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627.21 Distribution of State funds.
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627.24 State incentive grants.

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97–300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.)

Subpart A—State Planning Procedures

§ 627.1 Eligible grant recipients.

In order to establish a continuing relationship under the Act, the Governor and the Secretary shall sign a Governor/Secretary Agreement, which shall consist of a statement assuring that the State shall comply with: (a) The Job Training Partnership Act and the applicable rules and regulations and (b) the Wagner-Peyser Act, as amended, and all applicable rules and regulations.

§ 627.2 Governor's coordination and special services plan.

(a) *Submittal.* By a date established by the Secretary, any State seeking financial assistance under the Act shall submit to the Secretary a Governor's coordination and special services plan (sec. 121(a)(2)).

(b) *Plan review.* The Secretary shall check the plan for completeness and compliance with the provisions of the Act. If the plan is disapproved, the Secretary shall notify the Governor in

writing within 30 days of submission of the reasons for disapproval so that the Governor may modify the plan to bring it into compliance with the Act (Sec. 121(d)).

§ 627.3 Funding.

The Secretary will allot funds to the States in accordance with section 162 of the Act. The Secretary will obligate such allotments through a Notification of Obligation.

§ 627.4 State job training coordinating council.

The Governor shall appoint a State job training coordinating council (SJTCC) pursuant to section 122 of the Act. The SJTCC shall have the specific functions and responsibilities outlined in sections 122 and 501 of the Act.

§ 627.5 Interstate agreements.

The Secretary hereby grants authority to the several States to enter into interstate agreements and compacts in accordance with section 127 of the Act.

Subpart B—Statewide Programs

§ 627.21 Distribution of State funds.

(a) The funds made available to the Governor under section 202(b) of the Act shall be used to carry out activities and services in this subpart.

(b) Funds provided to the Governor under section 202(b)(4) of the Act may be used to conduct auditing activities, administrative activities, and other activities described in sections 121 of the Act (Sec. 202(b)(4)).

§ 627.22 State education coordination and grants.

(a) Expenditures for programs pursuant to section 123(c)(2)(B) of the Act shall be subject to § 629.39(a).

(b) Not less than 75 percent of the funds shall be expended for activities for economically disadvantaged individuals. The Governor may provide for meeting this requirement by using an alternative accounting methodology (e.g., 75 percent of participants) which insures comparable results (Sec. 123(c)(3)).

§ 627.23 Training programs for older individuals.

Expenditures for administration and participant support services for programs pursuant to section 124 of the Act shall be subject to § 629.39 of these regulations.

§ 627.24 State incentive grants.

Funds provided under section 202(b)(3)(A) of the Act shall be used by the Governor pursuant to sections 202(b)(3)(B) and 106(h)(1) of the Act.

PART 628—SERVICE DELIVERY AREAS DESIGNATED UNDER THE JOB TRAINING PARTNERSHIP ACT

Sec.

628.1 Service delivery areas.
628.2 Private industry council.
628.3. Selection of SDA grant recipient, administrative entity and service providers.
628.4 Job training plan.
628.5 Review and approval.
628.6 State SDA submission.

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97-300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

§ 628.1 Service delivery areas.

(a) The SJTCC shall make recommendations to the Governor on proposed SDA designations in a form and by a date established by the Governor (Sec. 101(a) (1) and (2)).

(b) Pursuant to section 101 of the Act, the Governor shall designate service delivery areas (SDAs) for the State. All areas within the State must be covered by designated SDAs. Requests for designation shall be submitted in a form and by a date established by the Governor.

(c) Pursuant to section 101(a) (4) (C) of the Act, an entity described in section 101(a) (4) (A) may appeal the Governor's denial of service delivery area designation to the Secretary of Labor.

(1) Appeals shall be submitted to the Secretary, U.S. Department of Labor, Washington, D.C. 20210, Attention: ASET. A copy of the appeal shall simultaneously be provided to the Governor.

(2) The Secretary shall not accept an appeal dated later than 30 days after receipt of written notification of the denial from the Governor.

(3) The appealing party shall explain why it believes the denial is contrary to the provisions of section 101 of the Act.

(4) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the denial is inconsistent with section 101 of the Act. The Secretary may consider any comments submitted by the Governor. The Secretary shall make a final decision within 30 days after this appeal is received (Sec. 101(a) (4) (C)).

§ 628.2 Private industry council.

(a) The chief elected official(s) of the SDA shall establish and the Governor shall certify the private industry council (PIC) pursuant to section 102 of the Act.

(b) Pursuant to section 103 of the Act, the PIC shall provide policy and program guidance for all activities under the job training plan for the SDA. In accordance with agreements negotiated with the appropriate chief elected official(s), the PIC shall: Determine the procedures for development of the job training plan and select the grant recipient and administrative entity for the SDA. The PIC may exercise independent oversight over activities under the job training plan, and oversight shall not be circumscribed by agreements with the appropriate chief elected official(s) of the SDA.

(c) The employment service shall develop jointly with each appropriate PIC and chief elected official(s) for the SDA those components of the plans required under the Wagner-Peyser Act of 1933, as amended, applicable to the SDA (Sec. 501(d)).

§ 628.3 Selection of SDA grant recipient, administrative entity and service providers.

(a) Pursuant to section 103(b)(1) of the Act, a selection shall be made of the SDA grant recipient and the entity to administer the job training plan developed pursuant to section 104 of the Act. These may be the same or different entities. The specific functions and responsibilities of these entities shall be spelled out in accordance with the agreement(s) between the PIC and the chief elected official(s), which should specifically address the provisions of section 141(i) of the Act.

(b) Service providers shall be selected in accordance with: (1) The agreement negotiated pursuant to section 103(b)(1) of the Act, and (2) the provisions of sections 107, 181(j)(2) and 205(b)(4) of the Act.

§ 628.4 Job training plan.

The Governor may issue instructions and schedules that will assure that job training plans and modifications for SDAs within the State conform to all requirements of the Act.

§ 628.5 Review and approval.

(a)(1) If the Governor disapproves the SDA job training plan or modification, the Governor shall notify the PIC and the appropriate chief elected official(s) for the SDA in writing as provided in section 105(b)(2) of the Act.

(2) The Governor shall provide the PIC and the appropriate chief elected official(s) for the SDA 20 days to correct the deficiencies and resubmit the plan or modification. The Governor shall make a final decision and shall notify the PIC and the appropriate chief elected official(s) for the SDA of the final disapproval or approval within 15 days after the plan or modification was resubmitted.

(b) Pursuant to section 105(b)(2) of the Act, any final disapproval of the job

training plan or modification may be appealed to the Secretary.

(1) Appeals to the Secretary shall be submitted jointly by the PIC and the appropriate chief elected official(s) for the SDA to the Secretary, U.S. Department of Labor, Washington, D.C. 20210. Attention: ASET. A copy of the appeal shall be simultaneously provided to the Governor.

(2) The Secretary shall not accept an appeal dated later than 30 days after receipt of the final disapproval from the Governor.

(3) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the disapproval is clearly erroneous within the context of section 105(b)(1) of the Act. The Secretary may consider any comments submitted by the Governor. The Secretary shall make a final decision within 45 days after the appeal is received in accordance with Section 105(b)(2) of the Act.

§ 628.6 State SDA submission.

(a) Pursuant to section 105(d), when the SDA is the State, the Governor shall, not less than 60 days before the beginning of the first of the two program years covered by the job training plan, submit to the Secretary, in a form determined by the Governor, a summary of the approach taken to meet the requirements of section 104 of the Act as well as an assurance that the plan and the plan review comply with sections 105 and 108 of the Act.

(b) The State's plan shall be considered approved unless, within 30 days of receipt of the submission described in paragraph (a) of this section, the Secretary notifies the Governor in writing of discrepancies between the submission and specific provisions of the Act.

(c) Nothing in this section shall preclude the Secretary from revoking approval in the event the assurance is not met.

PART 629—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER TITLES I, II, AND III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—Program Design Requirements

Sec.

629.1 General program requirements.
629.2 Public service employment prohibition.
629.3 Nonsectarian activities.

Subpart B—Payments, Benefits and Working Conditions

629.21 Needs-based payments.
629.22 Benefits and working conditions.

Subpart C—Administrative Standards and Procedures

Sec.

629.31 Grant payments.
629.32 Program income.
629.33 Insurance.
629.34 Procurement.
629.35 Management systems, reporting and recordkeeping.
629.36 Reports required.
629.37 Allowable costs.
629.38 Classification of costs.
629.39 Limitation on certain costs.
629.40 Matching funds.
629.41 Property management standards.
629.42 Audits.
629.43 Oversight and monitoring.
629.44 Sanctions for violation of the Act.
629.45 Closeout. [Reserved]
629.46 Performance standards.

Subpart D—Grievances, Investigations and Hearings

629.51 Scope and purpose.
629.52 State grievance and hearing procedures for non-criminal complaints at the Governor and subrecipient level.
629.53 Non-criminal grievance procedure at employer level.
629.54 Federal handling of administrative and civil complaints.
629.55 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity.
629.56 Opportunity for informal review.
629.57 Hearings before the Office of Administrative Law Judges.
629.58 Other authority.

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97-300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

Subpart A—Program Design Requirements

§629.1 General program requirements.

(a) The conditions prescribed in sections 141 and 143 of the Act apply to all programs under Titles I, II and III of the Act, except as provided elsewhere in these regulations.

(b) Recipients shall ensure that:

(1) An individual enrolled in a JTPA program meets the requirements of sections 167(a)(5) and 504 of the Act and other requirements applicable to programs funded under the specific section or title of the Act under which the participant is enrolling; and

(2) An individual is determined to be eligible both at the time of application and at enrollment.

(c) Programs operated under Titles I, II and III of the Act are not subject to the provisions of 41 CFR Part 29-70, except as otherwise explicitly provided in these regulations.

§629.2 Public service employment prohibition.

No funds available under Titles I, II-A or III of the Act may be used for public service employment (Sec. 141(p)).

§629.3 Nonsectarian activities.

Pursuant to section 167(a) of the Act the employment or training of participants in sectarian activities is prohibited.

Subpart B—Payments, Benefits and Working Conditions

§629.21 Needs-based payments.

(a) Subject to the provisions of sections 108 and 142(a)(1) of the Act and in accordance with a locally developed formula or procedure, payments based on need may be provided to individual participants in cases where such payments are necessary to enable individuals to participate in a training program funded under the Act (Sec. 204(27)).

(b) The locally developed formula or procedure for needs-based payments shall be documented in accordance with instructions from the Governor.

(c) The formula or procedure shall provide for the maintenance of an individual record of the determination of the need for, and the amount of, any participant's needs-based payment.

§629.22 Benefits and working conditions.

(a) Where participants are not covered under a State's workers' compensation law, they shall be provided with adequate on-site medical and accident insurance. Income maintenance coverage is not required for these participants (Sec. 143(a)(3)).

(b) Where participants are engaged in activities not covered under the Occupational Safety and Health Act of 1970, they shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to the participants' health or safety. Participants employed or trained for inherently dangerous occupations, e.g., fire or police jobs, shall be assigned to work in accordance with reasonable safety practices (Sec. 143(a)(2)).

Subpart C—Administrative Standards and Procedures

§629.31 Grant payments.

(a) JTPA grant payments will be made to the Governor in accordance with section 203 of the Intergovernmental Cooperation Act (42 U.S.C. 4213) and Treasury Circular No. 1075 (31 CFR Part 205).

(b) The Governor shall establish procedures that will minimize the time elapsing between the receipt of advanced funds and disbursement. Failure to establish such procedures or to take action to correct deficiencies in:

(1) Financial management systems, or (2) fund drawdown and advance payment procedures may result in the Governor being funded through reimbursement by Treasury check payment.

§ 629.32 Program income.

Income generated under any program may be retained by the State and shall be used to further program objectives. Program income may be used to satisfy the matching requirements of sections 123(b) and 304 of the Act. The Governor may establish policies and procedures for the retention and use of program income by SDA grant recipients and subrecipients (Sec. 141(m)).

§ 629.33 Insurance.

(a) *General.* Each Governor, SDA grant recipient or subrecipient shall follow its normal insurance procedures except as otherwise indicated in this section.

(b) The DOL assumes no liability with respect to bodily injury, illness or any other damages or losses, or with respect to any claims arising out of any activity under a JTPA grant or agreement whether concerning persons or property in the Governor's SDA grant recipient's or other subrecipient's organization or any third party.

(c) Governors, SDA grant recipients and subrecipients shall secure insurance coverage for injuries suffered by participants who are not covered by existing workers' compensation. These costs are chargeable to participant support or training as appropriate (Sec. 143(a)(3)).

§ 629.34 Procurement.

Subject to the provisions of Section 107 of the Act, recipients and subrecipients shall administer procurement systems that reflect applicable State and local law, rules and regulations as determined by the Governor.

§ 629.35 Management systems, reporting and recordkeeping.

(a) The Governor shall ensure that financial systems within the State provide fiscal control and accounting procedures sufficient to: (1) Permit preparation of required reports; (2) permit the tracing of funds to a level of expenditure adequate to establish that funds have not been used in violation of the restrictions on the use of such funds; and (3) demonstrate compliance with matching requirements. (Secs. 104(b)(9), 164(a)(1), 165(a)(1), 165(c)(2), and 182).

(b) The financial management system and the participant data system shall provide federally-required records and reports that are uniform in definition, accessible to authorized Federal and State staff, and verifiable for monitoring, reporting, audit and evaluation purposes (Secs. 165(a)(1), 165(1)(2), and 182).

(c) The Governor shall ensure that records shall be maintained of each participant's enrollment in a JTPA program in sufficient detail to demonstrate compliance with the relevant eligibility criteria attending a particular activity and with the restrictions on the provision and duration of services and specific activities authorized by the Act (Sec. 165(a) (1) and (2)).

(d) The Governor shall ensure that records shall be maintained of such participant information as may be necessary to develop and measure the achievement of performance standards established by the Secretary.

(e) The Governor shall insure that procedures are developed for retention of all records pertinent to all grants and agreements, including financial, statistical, property and participant records and supporting documentation, for a period of three years from the date of obligation of funds. Records for nonexpendable property shall be retained for a period of three years after final disposition of the property.

(f) The aforementioned records will be retained beyond the three years if any litigation or audit is begun or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records will be retained until the litigation, audit or claim has been finally resolved.

(g) In the event of the termination of the relationship with a subrecipient, the Governor or SDA grant recipient shall be responsible for the maintenance and retention of the records of any subrecipient unable to retain them.

§ 629.36 Reports required.

The Governor shall report to the Secretary pursuant to instructions issued by the Secretary. Reports shall be submitted quarterly for the first year and annually thereafter. Reports shall be submitted to the Secretary within 45 calendar days after the end of the report period (Sec. 165(a)(2)).

§ 629.37 Allowable costs.

(a) *General.* To be allowable, a cost must be necessary and reasonable for proper and efficient administration of the program, be allocable thereto under these principles, and, except as provided herein, not be a general expense required to carry out the overall responsibilities of the Governor or subrecipient. Costs charged to the program shall be consistent with those normally allowed in like circumstances in nonfederally sponsored activities and with applicable State and local law, rules or regulations, as determined by the governor.

(b) Direct and indirect costs shall be charged in accordance with 41 CFR 29-70.102.

(c) The governor shall issue guidelines on allowable costs for SDA and statewide programs that shall include provisions that:

(1) Legal costs associated with State and Federal administrative hearings are allowable JTPA costs only to the extent the party prevails;

(2) Costs resulting from violations of, or failure to comply with, Federal, State or local laws and regulations are not allowable;

(3) Entertainment costs are not allowable;

(4) Insurance policies offering protection against debts established by the Federal Government are not allowable JTPA costs; and

(5) Personal liability insurance for PIC members is allowable.

§ 629.38 Classification of costs.

(a) To comply with the limitations on certain costs contained in section 108 of the Act, allowable costs shall be charged against the following cost categories: training; administration; and participant support.

(b) Costs are allocable to a particular cost category to the extent that benefits are received by such category.

(c) For State-administered programs, the Governor is required to plan, control and charge expenditures against the aforementioned cost categories.

(d) The Governor is responsible for ensuring that SDA grant recipients and other subrecipients plan, control, and charge expenditures against the aforementioned cost categories.

(e) In assigning costs to the training category pursuant to paragraph (a) of this section, the Governor shall ensure that:

(1) Training costs include: The costs associated with on-the-job training services; employer outreach necessary to obtain job listings or job training opportunities; salaries, fringe benefits, equipment and supplies of personnel directly engaged in providing training; books and other teaching aids; equipment and materials used in providing training to participants; classroom space and utility costs; job related counseling for participants; and tuition and entrance fees that represent instructional costs which have a direct and immediate impact on participants. In addition, 50 percent of the costs of a limited work experience program and

250 hours of youth tryout employment, are considered allowable training costs. A limited work experience program is one that meets the requirements of section 108(b)(3) of the Act. Youth tryout employment is that which meets the requirements of section 205(d)(3)(B) of the Act.

(2) Costs which are billed as a single unit charge do not have to be allocated or prorated among the several cost categories but may be charged entirely to training when the agreement:

(i) Is for training;

(ii) Is fixed unit price; and

(iii) Stipulates that full payment for the full unit price will be made only upon completion of training by a participant and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement.

(3) Training costs shall not include the direct or indirect costs associated with the supervision and management of the program.

(4) Training costs do not include supportive service costs as defined in section 4 of the Act or other participant support costs which are determined to be necessary at the local level.

(5) All costs of employment generating activities to increase job opportunities for eligible individuals in the area and the remaining 50 percent of the costs of a limited work experience program, as well as 100 percent of the costs of other work experience programs, are not allowable training costs (Sec. 108(b)(2)(A)).

(6) The salaries and fringe benefits of project directors, program analysts, labor market analysts, supervisors and other administrative positions shall not be charged to training. The compensation of individuals who both instruct and supervise other instructors shall be prorated among the training and administration cost categories based on time records or other verifiable means.

(7) Construction costs may be allowable training or participant support costs only when funds are used to:

(i) Purchase equipment, materials and supplies for use by participants while on the job and for use in the training of such participants. Examples of such equipment, materials and supplies are handtools, workclothes and other low cost items; and

(ii) Cover costs of a training program in a construction occupation, including costs such as instructors' salaries, training tools, books, and needs-based payments and compensation to participants.

(8) Contributions to a reserve for a self-insurance program, to the extent that the type and extent of coverage and the rates and premiums would have been allowed had insurance been purchased to cover the risks, are not allowable training costs, but may be charged to other cost categories as appropriate.

(9) The cost of incorporating a PIC or consortium administrative entity for the purpose of carrying out programs under the Act shall not be charged to training but may be charged to other cost categories as apporpriate.

(10) Any single cost which is properly chargeable to training and to one or more other cost categories shall be prorated among training and the other appropriate cost categories.

§ 629.39 Limitation on certain costs.

(a)(1) Not less than 85 percent of the funds for programs under Titles, I, II, and III of the Act may be expended for the costs of training and participant support, except as provided in paragraph (b) of this section.

(2) Administrative costs are limited to 15 percent of funds available. The 15 percent limitation on administrative costs may not be waived.

(b) Funds allotted under the following sections of the Act are exclusions to the requirement in paragraph (a) of this section:

(1) Section 202(b)(4);

(2) Section 202(b)(1), to carry out activities pursuant to section 123(c)(2)(A);

(3) Section 202(b)(3); and

(4) Section 301(a).

(c)(1) Not less than 70 percent of the funds for programs under Titles I, II–A, and III of the Act may be expended for the costs of training, except as provided in paragraphs (d) and (e) of this section.

(2) There is an established 30 percent limitation on combined administrative and participant support costs. This limitation may be waived by the Governor only in accordance with paragraph (e) of this section.

(d) Funds allotted under the following sections of the Act are exclusions to the requirement in paragraph (c) of this section:

(1) Section 202(b)(4);

(2) Section 202(b)(1), to carry out activities pursuant to section 123(c)(2);

(3) Section 202(b)(3), to provide technical assistance to SDAs within the State that do not qualify for incentive grants;

(4) Section 251; and

(5) Section 301(a).

(e) Expenditures may not be in excess of the limitation contained in paragraph (c) of this section exept as provided for in section 108(c).

(f) The provisions of this section do not apply to any designated service delivery area which served as a concentrated employment program grantee for a rural area under the Comprehensive Employment and Training Act (Sec. 108(d)).

(g) Administrative funds within a service delivery area may, at the discretion of and pursuant to requirements established by the Governor, be pooled and used for all administrative costs of programs within the service delivery area assisted with funds under the Act.

§ 629.40 Matching funds.

The governor shall define and assure the provision of adequate resources to meet the non-Federal matching requirements of sections 123(b) and 304 of the Act.

§ 629.41 Property management.

(a) Personal or real property procured with JTPA funds or transferred from programs under the Comprehensive Employment and Training Act must be used for purposes authorized by the Act. Subject to the Secretary's rights to such property, the Governor shall maintain accountability for property in accordance with State procedures and the records retention requirements of § 629.35.

(b) The JTPA program must be reimbursed the fair market value of any unneeded property retained by the Governor for use in a non-JTPA program. The proceeds from the sale of any property or transfer of property to a non-JTPA program must be used for purposes authorized under the Act.

§ 624.42 Audits.

(a) All audits conducted under this Act shall comply with applicable auditing standards set forth in section 164(a)(3) of the Act.

(b) At least once every two years, the State shall prepare or have prepared independent financial and compliance audits of the Title II and III funds received by the State and shall be responsible for assuring that audit requirements are met with respect to PICs, SDA grant recipients and other subrecipients receiving Title II and III funds throughout the State (Sec. 164(a)(2)).

(c) The Governor may request audit waivers from the Secretary for subrecipients except as otherwise provided in section 164(a)(2) of the Act. This waiver request may be approved by: (1) The Secretary or (2) the cognizant Federal audit agency, where the

Secretary delegates this authority to such agency (Sec. 164(a)(2)).

(d) The audit report(s), in addition to meeting the general requirements of this section, shall be accompanied by the following:

(1) The Governor's disposition of questioned costs in the audit(s), costs allowed and disallowed by the Governor, and the basis for costs allowed and disallowed. The dispostion must show the action (i.e., either allowed or disallowed) on all costs questioned in the audit(s).

(2) If the Governor intends to request waivers of liability under section 164(e)(2) of the Act, such requests must accompany the audit report(s), along with supporting documentation. Such documentation may include:

(i) Correspondence from the Secretary giving prior approval to corrective actions planned by the Governor, e.g., debt collection options which the Governor planned to initiate or to forego; and

(ii) Documentation of corrective actions taken by the State and the appropriate subrecipient, e.g., evidence of aggressive debt collection action.

(e) The Governor shall submit the audit report(s), covering all Title II and III funds received by the State, SDA grant recipients and subrecipients and audited during the period covered by the report, as well as the items described in paragraph (d) of this section, to the cognizant Federal audit agency or the Inspector General of the Department, as appropriate, within a two-year period as specified to section 164(a)(2) of the Act. The Inspector General shall determine the acceptability of audit reports pursuant to §§ 629.42(a) through 629.42(d) above, and shall forward each acceptable audit report to the Secretary for action pursuant to § 629.42(f) below.

(f) After receiving the audit report(s), the Secretary shall review the report(s), the Governor's disposition and any liability waiver request. If the Secretary is in agreement with all aspects of the Governor's disposition of the audit(s), the Secretary shall so notify the Governor, constituting final agency action on the audit(s). If the Secretary is in disagreement with the Governor's conclusion on specific points in the audit(s), the Secretary shall resolve the audit(s) through the initial and final determination process described in Subpart D of these regulations.

(g) The Comptroller General and the Inspector General of the Department shall have the authority to conduct audits, evaluations, or investigations necessary to meet their responsibilities under sections 164(c) (1) and 164(c) (2), respectively, of the Act.

(1) Audits conducted or arranged by the Inspector General will generally supplement rather than duplicate audits of recipients, PICs, SDAs, or other subrecipients.

(2) The findings of these investigations, audits and evaluations shall be handled as described in §§ 629.54(b) and 629.54(c) of Subpart D of these regulations.

§ 629.43 Oversight and monitoring.

(a) The Secretary is authorized to monitor and investigate pursuant to section 163 of the Act.

(b) The Governor is responsible for oversight of all SDA grant recipient activities and State supported programs.

(c) The PIC and local elected official(s) may conduct such oversight as they, individually or jointly, deem necessary or delegate to an appropriate entity pursuant to their mutual agreement.

§ 629.44 Sanctions for violations of the Act.

(a) Pursuant to section 164 (b), (d), (e), (f), (g), and (h) of the Act, the Secretary may impose appropriate sanctions and corrective actions for violations of the Act, regulations, or grant terms and conditions. Additionally, sanctions may include the following:

(1) Offsetting debts, arising from misexpenditure of grant funds, against amounts to which the Governor is or may be entitled under the Act, except as provided in section 164(e) (1) of the Act. The debt shall be fully satisfied when the Secretary reduces amounts allotted to the Governor by the amount of the misexpenditure; and

(2) Determining the amount of Federal cash maintained by the Governor or subrecipient in excess of reasonable grant needs, establishing a debt for the amount of such excessive cash, and charging interest on that debt.

(b) Except for actions under section 164(f) and 167 of the Act, to impose a sanction or corrective action, the Secretary shall utilize initial and final determination procedures outlined in Subpart D.

(c) To impose a sanction or corrective action regarding a violation of section 167 of the Act, the Secretary shall utilize the procedures of 29 CFR Part 31.

(d)(1) The Secretary shall hold the Governor responsible for all funds under the grant. The Governor shall hold subrecipients, including SDA grant recipients, responsible for JTPA funds received through the grant.

(2) The Secretary shall determine the liability of the Governor for misexpenditures of grant funds in accordance with section 164(e) of the Act, including the requirement that the Governor shall have taken prompt and appropriate corrective actions for misexpenditures by a subrecipient.

(3) Prompt, appropriate, and aggressive debt collection action to recover any funds misspent by subrecipients ordinarily shall be considered a part of the corrective action required by section 164(e)(2)(D) of the Act. In this regard, the Governor may request advance approval from the Secretary for contemplated corrective actions. Such requests may address debt collection actions or options which the Governor plans to initiate or to forego. The Governor's request shall include a description and assessment of all actions taken by the subrecipient to collect the misspent funds.

(4) In making the determination required by section 164(e)(2) of the Act, the Secretary may determine, based on a request from the Governor, that the Governor may forego certain collection actions against a subrecipient where that subrecipient was not at fault with respect to the liability criteria set forth in section 164(e)(2)(A) through section 164(e)(2)(D) of the Act. The Secretary shall consider such requests in assessing whether the Governor's corrective action was appropriate in light of section 164(e)(2)(D) of the Act. At that time, the Secretary shall also consider advance approvals (previously granted pursuant to § 629.44(d)(3) above) in light of the Governor's demonstrated efforts to undertake the approved course of action.

(5) The Governor shall not be released from liability for misspent funds under the determination required by section 164(e) of the Act until the Secretary determines that further collection action, either by the Governor or subrecipient, would be inappropriate or would prove futile.

(e) The Governor shall have the authority to reduce allocations to a service delivery area if: (1) The Secretary offsets a debt against funds allotted to the Governor and (2) the debt resulted from a misexpenditure by the SDA grant recipient, or its subrecipients.

(f) Nothing in this section shall preclude the Secretay from imposing a sanction directly against a subrecipient as authorized in section 164(e)(3) of the Act. In such a case, the Secretary shall inform the Governor of the Secretary's action.

§ 629.45 Closeout. [Reserved]

§ 629.46 Performance standards.

(a) The Secretary shall prescribe performance standards for adults and

youth under Title II–A and dislocated workers under Title III in accordance with section 106 of the Act. Standards for youth employment competencies shall prescribe the framework for competency development.

(b) The Governor shall establish SDA standards within the parameters set annually by the Secretary pursuant to Section 106 of the Act and apply the standards in accordance with section 202(b)(3) of the Act.

(c) Pursuant to initial and annual instructions issued by the Secretary, the Governor shall:

(1) Collect the data necessary to set standards pursuant to section 165 of the Act; and

(2) Submit reports according to sections 106 and 121(c)(3) of the Act.

(d) Pursuant to section 106(h)(1) of the Act, the Governor shall, after exhaustion of remedies below, impose a reorganization plan if a subrecipient fails to meet performance standards for two consecutive years.

(1) Prior to imposition of a reorganization plan, the Governor must offer the subrecipient opportunity for a hearing.

(2) Should the hearing determination uphold the Governor's imposition of a reorganization plan, the subrecipient may appeal to the Secretary.

(3) Appeals shall be submitted to the Secretary, U.S. Department of Labor, Washington, D.C. 20210, Attention: ASET. A copy of the appeal shall simultaneously be provided to the Governor.

(4) The Secretary shall not accept an appeal dated later than 30 days after receipt of written notification from the Governor.

(5) The appealing party shall explain why it believes the Governor's decision is contrary to the provisions of section 106 of the Act.

(6) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the Governor's decision is inconsistent with section 106 of the Act. The Secretary may consider any comments submitted by the Governor. The Secretary shall make a final decision within 60 days after this appeal is received (Sec. 106(h)).

Subpart D—Grievances, Investigations, and Hearings

§ 629.51 Scope and purpose.

(a) *General.* This subpart establishes the procedures to receive, investigate and resolve grievances, and conduct hearings to adjudicate disputes under the Act.

(b) *Non-JTPA remedies.* Whenever any person, organization or agency believes that a Governor, SDA grant recipient or other subrecipient has engaged in conduct that violates the Act and that such conduct also violates a Federal statute other than JTPA, or a State or local law, that person, organization or agency may, with respect to the non-JTPA cause of action, institute a civil action or pursue other remedies authorized under other Federal, State, or local law against the Governor, SDA grant recipient or other subrecipient without first exhausting the remedies in this subpart. Nothing in the Act or these regulations shall:

(1) Allow any person or organization to join or sue the Secretary with respect to the Secretary's responsibilities under JTPA except after exhausting the remedies in this subpart;

(2) Allow any person or organization to file a suit which alleges a violation of JTPA or these regulations without first exhausting the administrative remedies described in this subpart; or

(3) Be construed to create a private right of action with respect to alleged violations of JTPA or the regulations.

§ 629.52 State grievance and hearing procedures for non-criminal complaints at the Governor and subrecipient level.

(a) *Policy.* This section deals with the handling of non-criminal complaints. Criminal complaints are to be handled as specified in § 629.55.

(b) *Procedures at Governor and SDA levels.* (1) Pursuant to section 144(a) of the Act, each Governor shall insure the establishment of procedures for resolving any complaint alleging a violation of the Act, regulations, grant or other agreements under the Act. The procedures must include the handling of complaints and grievances arising in connection with JTPA programs operated by each SDA grant recipient and subrecipient under the Act. These procedures must also provide for resolution of complaints arising from actions, such as audit disallowances or the imposition of sanctions, taken by the Governor with respect to audit findings, investigations, or monitoring reports (Sec. 144(a)).

(2) The Governor may delegate the authority to operate and maintain the complaint and hearing procedure to its SDA grant recipients and other subrecipients except for complaints between the Governor and SDA grant recipients or other subrecipients (e.g., audit disallowances), complaints involving more than on SDA grant recipient, or complaints directly involving the operations or responsibilities of the Governor (Sec. 144(a)).

(3) The grievance hearing procedure shall include written notice of the date, time and place of the hearing and an opportunity to present evidence.

(c) *State review.* (1) If the Governor has delegated the authority to operate and maintain a grievance procedure, and a complainant does not receive a decision within 60 days of filing the complaint or receives a decision unsatisfactory to the complainant, the complainant then has a right to request a review of the complaint by the Governor. The request for review shall be filed within 10 days of receipt of the adverse decision or 10 days from the date on which the complainant should have received a decision. The Governor shall issue a decision within 30 days. The Governor's decision is final.

(2) The Governor shall also provide for an independent State review of a complaint initially filed at the State level on which a decision was not issued within 60 days or on which the complainant has received an adverse decision. A decision shall be made within 30 days. The Governor's decision is final.

(d) *Federal review of local level complaints without decision.* (1) Should the Governor fail to provide a decision as required in paragraph (c) of this section, the complainant may then request from the Secretary a determination whether reasonable cause exists to believe that the Act or its regulations have been violated.

(2) The Secretary shall act within 90 days of receipt of the request and where there is reasonable cause to believe the Act or regulations have been violated shall direct the Governor to issue a decision adjudicating the dispute pursuant to State and local procedures. The Secretary's action does not constitute Federal agency action and is not appealable under the Act (Sec. 166(a) and Sec. 144(c)). If the Governor does not comply with the Secretary's order within 60 days, the Secretary may impose a sanction upon the Governor for failing to issue a decision.

(3) The request shall be filed no later than 10 days from the date on which the complainant should have received a decision as required in paragraph (c). The complaint should contain the following:

(i) The full name, telephone number (if any), and address of the person making the complaint;

(ii) The full name and address of the respondent against whom the complaint is made;

(iii) A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation;

(iv) The provisions of the Act, regulations, grant or other agreements under the Act believed to have been violated;

(v) A statement disclosing whether proceedings involving the subject of the request have been commenced or concluded before any Federal, State or local authority, and, if so, the date of such commencement or conclusion, the name and address of the authority and the style of the case; and

(vi) A statement of the date the complaint was filed with the Governor, the date on which the Governor should have issued a decision, and an attestation that no decision was issued.

(4) A request will be considered to have been filed when the Secretary receives from the complainant a written statement sufficiently precise to evaluate the complaint and the grievance procedure used by the State and SDA grant recipient.

§ 629.53 Non-criminal grievance procedure at employer level.

(a) Governor's, SDA grant recipients and other subrecipients shall assure that other employers, including private-for-profit employers of participants under the Act, also have a grievance procedure relating to the terms and conditions of employment available to their participants (Sec. 144(b)).

(b) Employers under paragraph (a) of this section may operate their own grievance system or may utilize the grievance system established by the Governor or SDA grant recipient under § 629.52. Employers shall inform participants of the grievance procedure they are to follow.

(c) An employer system shall provide for, upon request by the complainant, a review of an employer's decision by the SDA grant recipient and the Governor, if necessary, in accordance with § 629.52(b).

§ 629.54 Federal handling of administrative and civil complaints.

(a)(1) The Comptroller General and Inspector General's authority to conduct audits, evaluations and investigations is as specified in § 629.42.

(2) The Secretary is authorized to monitor States (Sec. 163(a)).

(3) The Secretary shall each fiscal year investigate several States to evaluate whether the use of funds received under the Act is in compliance with the provisions of the Act (Sec. 165(b)(1)(A)).

(4) The Secretary may receive complaints alleging violations of the Act or regulations through the Department's incident reporting system.

(b) As a result of the findings or content of any of the activities listed in paragraph (a), the Secretary may:

(1) Direct the Governor to handle a complaint through local grievance procedures established under § 629.52; or

(2) Investigate and determine whether the Governor or subrecipients are in compliance with the Act and regulations (Sec. 163 (b) and (c)).

(c)(1) The Secretary shall notify the Governor of the findings of the Secretary's investigation and shall give the Govenor a period of time, not to exceed 60 days, depending on the nature of the findings, to comment and to take appropriate corrective actions.

(2) The Governor shall offer an opportunity for a hearing at the State level to those subrecipients adversely affected by the results of an investigation, audit or monitoring activity as specified in § 629.52(b). The Governor shall inform the Secretary of actions undertaken, including any disposition of an audit conducted by the State to deal with the Secretary's findings if one was undertaken within the time frame specified by the Secretary.

(3) The Secretary shall review the complete file of the investigation and the Governor's actions. The Secretary's review shall take into account the provisions of § 629.44. If the Secretary is in agreement with the Governor's handling of the situation, the Secretary shall so notify the Governor. This notification shall constitute final agency action.

(d) *Initial and final determination.*— (1) *Initial determination.* If the Secretary is dissatisfied with the Governor's disposition of an audit as specified in § 629.42, with the Governor's response to findings pursuant to paragraph (c) above, or if the Governor failed to comply with the Secretary's decision pursuant to § 629.52(d)(2), the Secretary shall make an initial determination of the matter in controversy including the allowability of questioned costs or activities. Such determination shall be based upon the requirements of the Act, regulations, grants, contracts or other agreements, under the Act.

(2) *Informal resolution.* The Secretary shall not revoke a Govenor's grant in whole or in part, nor institute corrective actions or sanctions, without first providing the Governor with an opportunity to present documentation or arguments to resolve informally those matters in controversy contained in the Secretary's initial determination. In the case of an initial determination pursuant to an audit, the informal resolution period shall be at least 60 days from issuance of the initial determination and no more than 170 days from the receipt by the Secretary of the final approved audit report. If the matters are resolved informally, the Secretary shall issue a final determination pursuant to paragraph (d)(3) of this section which notifies the parties in writing of the nature of the resolution and may close the file.

(3) *Final determination.* (i) If the Governor and the Secretary do not resolve any matter informally, the Secretary shall provide each party with a final written determination by certified mail, return receipt requested. In the case of audits, the final determination shall be issued not later than 180 days after the receipt by the Secretary of the final approved audit report.

(ii) The final determination shall:

(A) Indicate that efforts to informally resolve matters contained in the initial determination have been unsuccessful;

(B) List those matters upon which the parties continue to disagree;

(C) List any modifications to the factual findings and conclusions set forth in the initial determination;

(D) Establish a debt if appropriate;

(E) Determine liability, method of restitution of funds and sanctions; and

(F) In the case of a final determination imposing a sanction or corrective action, offer an opportunity for a hearing in accordance with § 629.57.

(iii) The final determination constitutes the final agency action unless a hearing is requested.

(e) Nothing in this section shall preclude the Secretary from issuing an initial and final determination directly to a subrecipient in accordance with the authority of section 164(e)(3) of the Act. In such a case, the Secretary shall inform the Governor of the Secretary's action.

§ 629.55 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity

Any persons with knowledge of and all complaints involving fraud, abuse or other criminal activity shall be reported directly and immediately to the Secretary of Labor.

§ 629.56 Opportunity for informal review.

(a) Parties to a complaint under § 629.57 may choose to waive their rights to an administrative hearing before the Office of Administrative Law Judges (OALJ) by choosing to transfer the settlement of their dispute to an individual acceptable to the parties for

the purpose of conducting an informal review of the stipulated facts and rendering a decision in accordance with applicable law. A written decision will be issued within 60 days after the matter is submitted for informal review.

(b) The waiver of the right to request a hearing before the OALJ will automatically be revoked if a settlement has not been reached within the 60 days provided in (a) of this section.

(c) The decision rendered under this informal review process shall be treated as a final decision of an Administrative Law Judge pursuant to section 166(b) of the Act.

§ 629.57 Hearings before the Office of Administrative Law Judges.

(a) *Jurisdiction.* The jurisdiction of the OALJ extends only to those complainants identified in sections 164(f) and 166(a) of the Act.

(b) *Sanctions.* For the purpose of this section, "sanctions" will not include actions required by authority other than this Act. For example, the imposition of interest charges where required by the Debt Collection Act of 1982 is not a sanction for the purpose of this section.

(c) *Procedures for filing request for hearing.* (1) Within 21 days of receipt of the determination imposing the sanction or corrective action, or denying financial assistance, the applicant, Governor, SDA grant recipient or other subrecipient of funds may transmit by certified mail, return receipt requested, a request for hearing to the Chief Administrative Law Judge, United States Department of Labor, Room 700, Vanguard Building, 1111 20th Street, N.W., Washington, D.C. 20036, with one copy to the departmental official who issued the determination and one copy to the Special Counsel to the Assistant Secretary of Labor.

(2) The 21-day filing requirement is jurisdictional; failure to timely request a hearing acts as a waiver of the right to hearing.

(3) The request shall specifically state those issues of the determination upon which review is requested. Those provisions of the determination not specified for review, or the entire determination when no hearing has been requested within the 21-days, shall be considered resolved and not subject to further review. Only alleged violations of the Act, regulations, grant or other agreements under the Act fairly raised in the determination and the request for hearing are subject to review.

(4) The same procedure set forth in paragraphs (a) (1) through (3) of this section applies in the case of a complainant who has not had a dispute adjudicated by the informal review process of § 629.56 within the 60 days, except that the request for hearing before the OALJ must be filed within 15 days of the conclusion of the 60-day period. In addition to including the determination upon which review is requested, the complainant must include a copy of any Stipulation of Facts and a brief summary of proceedings.

(d) *Service and filing.* Copies of all papers required to be served on a party or filed with the OALJ shall be filed simultaneously with the OALJ and served upon the parties of record or their representatives, and shall contain proof of such service.

(e) *Rules of procedure.* The rules of practice and procedure promulgated by the OALJ shall govern the conduct of hearings under this section.

(f) *Prehearing procedures.* In all cases, the OALJ should encourage the use of prehearing procedures to simplify and clarify facts and issues.

(g) *Subpoenas.* Subpoenas necessary to secure the attendance of witnesses and the production of documents or things at hearings shall be obtained from the OALJ and shall be issued pursuant to the authority contained in section 163(b) of the Act, incorporating 15 U.S.C. section 49.

(h) *Timely submission of evidence.* The OALJ shall not permit the introduction at the hearing of documentation relating to the allowability of costs if such documentation has not been made available for review either at the time ordered for any prehearing conference, or, in the absence of such an order, at least three weeks prior to the hearing date.

(i) *Burden of production.* The Department shall have the burden of production to support the Secretary's decision. Thereafter, the party or parties seeking to overturn the Secretary's decision shall have the burden of presuasion.

(j) *Relief.* In ordering relief, the OALJ shall have the full authority of the Secretary under section 164 of the Act, except with respect to the provisions of subsection (e) of that section.

(k) *Timing of decisions.* The OALJ should render a written decision not later than 90 days after the closing of the record.

§ 629.58 Other authority.

Nothing contained in this subpart shall be deemed to prejudice the separate exercise of other authorities in pursuit of remedies and sanctions available outside the Act.

PART 630—PROGRAMS UNDER TITLE II OF THE JOB TRAINING PARTNERSHIP ACT

Sec.

630.1 Adult and youth programs under Part A of Title II.

630.2 Summer youth employment and training programs under Part B of Title II.

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97-300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

§ 630.1 Adult and youth programs under Part A of Title II.

(a) Funding for programs under this section shall be provided in accordance with sections 162, 201 and 202 of the Act. Funds may be used to provide services specified in section 204 of the Act to persons meeting eligibility criteria specified in sections 141(e) and 203 of the Act.

(b)(1) Pursuant to section 203(b) of the Act, not less than 40 percent of funds shall be expended for services to eligible youth. The Governor may specify a different methodology that will yield comparable results.

(2) To the extent that the ratio of economically disadvantaged youth to economically disadvantaged adults in the SDA differs from the ratio of such individuals nationally as published by the Secretary, the percentage specified in paragraph (b)(1) of this section shall be reduced or increased by a local adjustment factor. This factor, which may be obtained by dividing the SDA ratio of economically disadvantaged youth to economically disadvataged adults by the national ratio as published by the Secretary, may be multiplied by 40 percent to derive the youth service level for the SDA. The Governor may provide for an alternative methodology to develop the local adjustment factor depending on the availability of data (Sec. 203(b)(2)).

(c) Funds may be used to conduct exemplary youth programs under section 205 of the Act, as follows:

(1) Except for tryout employment authorized under section 205(d)(3)(B) of the Act, exemplary youth programs may be modified to accommodate local conditions as specified in the job training plan (Sec. 205(a)); and

(2) Tryout employment in private for-profit worksites may be conducted only in accordance with section 205(d) of the Act (Sec. 141(k)).

§ 630.2 Summer youth employment and training programs under Part B of Title II.

(a) Funding for programs under this section shall be provided in accordance with sections 162 and 251 of the Act to provide services specified in section 252

of the Act to economically disadvantaged youth meeting eligibility criteria set forth in sections 141(e) and 253 of the Act.

(b) Not more than 15 percent of the funds available for programs under this section may be used for the costs of administration.

PART 631—PROGRAMS UNDER TITLE III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—General Provisions

Sec.
631.1 Scope and purpose.

Subpart B—Formula Allocated Programs

631.11 General.
631.12 State plan.
631.13 Limitations on use of funds.
631.14 Matching funds.

Subpart C—Discretionary Program

631.21 General.
631.22 Eligibility for funding.
631.23 Application for funding and selection criteria.

Subpart D—Program Design and Management

631.31 Allowable activities, coordination and consultation, planning and review.
631.32 Reallotment of funds based on non-utilization.
631.33 Reporting requirements.
631.34 Role of Title III training in determining unemployment benefit eligibility.

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97-300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

Subpart A—General Provisions

§ 631.1 Scope and purpose.

This part contains the regulations governing programs designed to serve dislocated workers as authorized under Title III of the Act. Programs are operated pursuant to two allotments: (a) At least 75 percent of the funds appropriated tor Title III shall be allotted by formula to the Governors; and (b) up to 25 percent of the funds appropriated for Title III may be reserved for distribution to Governors at the Secretary's discretion. Planning, application and other requirements applicable to formula funded programs are set forth in Subpart B of this part. Requirements applicable to discretionary programs are set forth in Subpart C of this part. Program design and management requirements applicable to all programs operated under Title III of the Act are set forth in Subpart D of this part.

Subpart B—Formula Allocated Program

§ 631.11 General.

(a) The Secretary shall allot at least 75 percent of the funds appropriated for Title III among the States pursuant to the formula in section 301(b) of the Act.

(b) The allotment for the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa and the Trust Terrritory of the Pacific Islands shall be based on the following computation: allotments for these areas, pursuant to section 201(a) of the Act, as a proportion of total allotments pursuant to section 201 of the Act, applied to total funds available for allotment, pursuant to section 301(b) of the Act.

§ 631.12 State plan.

(a) To receive financial assistance for formula allocated programs under Title III of the Act, the Governor shall include in the Governor's coordination and special services plan, submitted pursuant to section 121 of the Act, a statement of intent to operate programs in compliance with matching provisions of section 304 of the Act.

(b) If the Governor has stated, pursuant to paragraph (a) of this section, an intent to operate formula allocated programs under Title III and subsequently determines not to operate such programs during the period covered by the Governor's coordination and special services plan, the Governor shall notify the Secretary of such a determination in writing on a timely basis.

§ 631.13 Limitations on use of funds.

(a) Subject to paragraph (b) of this section, no more that 15 percent of the funds allotted pursuant to section 301(b) of the Act may be used for administrative costs. In addition, the total of administrative costs and participant support costs may not exceed 30 percent (Sec. 307(a)).

(b) These limitations apply to that amount of Federal funds which is equivalent to no more than 50 percent of the total combined amount of Federal and non-Federal funds allotted to the formula funded State programs (Sec. 307(b)).

§ 631.14 Matching funds.

To qualify for financial assistance under Title III of the Act, the Governor shall provide matching funds pursuant to section 304 of the Act as defined at § 629.40 of this Chapter.

Subpart C—Discretionary Program

§ 631.21 General.

Of the funds appropriated for Title III, up to 25 percent may be awarded to Governors submitting applications for such funds based upon selection criteria determined by the Secretary pursuant to the provisions of this subpart.

§ 631.22 Eligibility for funding.

The Secretary shall make available to Governors funds reserved under section 301(a) of the Act to serve individuals who are affected by mass layoffs, natural disasters, Federal Goverment actions (such as relocations of Federal facilities), high unemployment areas or designated enterprise zones. These circumstances must be sufficiently severe so that:

(a) The needs cannot be met by other JTPA programs or other State and local programs; and

(b) A substantial number of individuals concentrated in a labor market area or industry is affected.

§ 631.23 Application for funding and selection criteria.

In order to qualify for consideration for funding under this subpart, Governors shall submit applications to the Secretary pursuant to instructions issued by the Secretary on an annual basis specifying application procedures, selection criteria, and approval process.

Subpart D—Program Design and Management

§ 631.31 Allowable activities, coordination and consultation, planning and review.

(a) Allowable activities are specified in section 303 of the Act. They shall be coordinated with other programs in accordance with section 308 of the Act. Affected labor organizations shall be consulted pursuant to section 306 of the Act.

(b) Governors shall involve appropriate PICs and local elected officials in planning and providing opportunities for review in accordance with sections 302 and 305 of the Act.

§631.32 Reallotment of funds based on non-utilization.

(a) The Secretary may reallot any amount of any allotment under this part to the extent that it is determined that the Governor will not be able to obligate such amount within one year of allotment (Sec. 301(d)).

(b) When the Secretary determines that a reallotment from a Governor is appropriate, the Governor and the general public shall be given a notice of the proposed action to remove funds.

Such notice shall include specific reasons for the actions being taken and shall invite the Governor and the general public to submit comments on the proposed reallotment of funds. These comments shall be submitted to the Secretary within 30 days from the date of the notice. After considering any comments received, the Secretary shall notify the Governor of any decision to reallot funds.

(c) The procedures set out in this section are in lieu of any other procedures which might otherwise be applicable under the Grievances, Investigations and Hearings provisions in Part 629, Subpart D of this Chapter.

(d) The Secretary may reallot funds using:

(1) The formula allocation described at Subpart B of this part; or

(2) Procedures established in Subpart C of this part.

§ 631.33 Reporting requirements.

The reporting requirements in § 629.36 of this chapter apply to programs operated under this part, except that the Secretary may establish special requirements for discretionary programs operated under Subpart C of this part as part of the annual announcement of fund availability and selection criteria.

§ 631.34 Role of Title III training in determining unemployment benefit eligibility.

Whenever training opportunities pursuant to Section 302(c) of the Act are identified, information concerning the opportunities shall be made available to the individuals. Pursuant to section 302(d) of the Act, the acceptance of training assisted under Title III shall be deemed to be acceptance of training with the approval of the State within the meaning of any other provision of Federal law relating to unemployment benefits.

PART 632—NATIVE AMERICAN PROGRAMS UNDER TITLE IV, PART A OF THE JOB TRAINING PARTNERSHIP ACT [RESERVED]

PART 633—MIGRANT AND SEASONAL FARMWORKER PROGRAMS UNDER TITLE IV, PART A OF THE JOB TRAINING PARTNERSHIP ACT [RESERVED]

PART 634—LABOR MARKET INFORMATION PROGRAMS UNDER TITLE IV, PART E OF THE JOB TRAINING PARTNERSHIP ACT [RESERVED]

PART 635—VETERANS' EMPLOYMENT PROGRAMS UNDER TITLE IV, PART C OF THE JOB TRAINING PARTNERSHIP ACT [RESERVED]

PART 636—[RESERVED]

PART 637—[RESERVED]

PART 638—[RESERVED]

Signed at Washington, D.C., this 14th day of January 1983.

Raymond J. Donovan,

Secretary of Labor.

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Tuesday
January 18, 1983

Part V

The President

Executive Order 12401—Presidential Commission on Indian Reservation Economies

Executive Order 12402—National Commission on Social Security Reform

Federal Register
Vol. 48, No. 12
Tuesday, January 18, 1983

Presidential Documents

Title 3—

The President

Executive Order 12401 of January 14, 1983

Presidential Commission on Indian Reservation Economies

By the authority vested in me as President of the United States of America, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), an advisory commission to promote the development of a strong private sector on Federally recognized Indian reservations, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is established a Presidential Commission on Indian Reservation Economies.

(b) The Commission shall be composed of no more than nine members, who shall be appointed by the President from among the private sector, reservation tribal governments, economic academicians, and Federal employees.

(c) The President shall designate a non-Indian representative and an Indian representative to serve as cochairmen of the Commission.

Sec. 2. *Functions.* (a) The Commission shall advise the President on what actions should be taken to develop a stronger private sector on Federally recognized Indian reservations, lessen tribal dependence on Federal monies and programs and reduce the Federal presence in Indian affairs. The underlying principles of this mission are the government-to-government relationship, the established Federal policy of self-determination and the Federal trust responsibility.

(b) The Commission will focus exclusively on the following items, and not on new Federal financial assistance:

(1) Defining the existing Federal legislative, regulatory, and procedural obstacles to the creation of positive economic environments on Indian reservations.

(2) Identifying and recommending changes or other remedial actions necessary to remove these obstacles.

(3) Defining the obstacles at the State, local and tribal government levels which impede both Indian and non-Indian private sector investments on reservations.

(4) Identifying actions which these levels of government could take to rectify the identified problems.

(5) Recommending ways for the private sector, both Indian and non-Indian, to participate in the development and growth of reservation economies, including capital formation.

(c) The Commission should review studies undertaken in the last decade to obtain pertinent recommendations that are directly related to its mission.

(d) The Commission shall, unless sooner extended, submit a final report to the President and to the Secretary of the Interior within six months after appointment of the last Commissioner, or by September 30, 1983, whichever comes earlier.

Sec. 3. *Administration.* (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Commission with such information as may be necessary for the effective performance of its functions.

(b) Members of the Commission may receive compensation for their work on the Commission. While engaged in the work of the Commission members may

be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707).

(c) The Secretary of the Interior shall, to the extent permitted by law and subject to the availability of funds, provide the Commission with such administrative services, funds, facilities, staff and other support services as may be necessary for the effective performance of its functions.

(d) The Commission will meet approximately 15 times at the call of the chairmen. All meetings of the Commission and all agenda must have prior approval of the chairmen.

(e) In carrying out its responsibilities, the Commission is authorized to:

(1) Conduct hearings, interviews, and reviews at field sites, or wherever deemed necessary to fulfill its duties.

(2) Confer with Indian tribal government officials and members, private sector business officials and managers, and other parties dealing with matters pertaining to the Commission's mission.

Sec. 4. *General Provisions.* (a) Notwithstanding the provisions of any other Executive order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, except that of reporting annually to the Congress, which are applicable to the advisory commission established by this Order, shall be performed by the Secretary of the Interior, in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) The Commission shall terminate 60 days after it transmits its final report to the President, or on December 31, 1983, whichever comes earlier.

Ronald Reagan

THE WHITE HOUSE,
January 14, 1983.

[FR Doc. 83-1526
Filed 1-17-83; 11:41 am]
Billing code 3195-01-M

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Executive Order 12402 of January 15, 1983

National Commission on Social Security Reform

By the authority vested in me as President by the Constitution and laws of the United States of America, and specifically the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), it is hereby ordered that Section 2(b) of Executive Order No. 12335, as amended, establishing the National Commission on Social Security Reform, is hereby further amended to provide as follows:

"The Commission shall make its report to the President by January 20, 1983.".

Ronald Reagan

THE WHITE HOUSE,
January 15, 1983.

[FR Doc. 83-1527
Filed 1-17-83; 11:42 am]
Billing code 3195-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next workday following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

List of Public Laws

Last Listing January 17, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 5161 / Pub. L. 97–466 To designate certain lands in the Monongahela National Forest, West Virginia, as wilderness; and to designate management of certain lands for uses other than wilderness. (Jan. 13, 1983; 96 Stat. 2538) Price: $1.75.

H.R. 6538 / Pub. L. 97–467 To designate the Federal Building in Lima, Ohio, as the "Tennyson Guyer Federal Building". (Jan. 14, 1983; 96 Stat. 2542) Price: $1.75.

H.R. 3420 / Pub. L. 97–468 Making technical corrections to the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, and for other purposes. (Jan. 14, 1983; 96 Stat. 2543) Price: $4.25.

H.J. Res. 635 / Pub. L. 97–469 Establishing the dates for submission of the Budget and Economic Report. (Jan. 14, 1983; 96 Stat. 2582) Price: $1.75.

H.R. 7102 / Pub. L. 97–470 Migrant and Seasonal Agricultural Worker Protection Act. (Jan. 14, 1983; 96 Stat. 2583) Price: $2.75.

S. 3105 / Pub. L. 97–471 To modify the judicial districts of West Virginia, and for other purposes. (Jan. 14, 1983; 96 Stat. 2601) Price: $1.75.

S.J. Res. 260 / Pub. L. 97–472 To designate the period commencing January 1, 1983, and ending December 31, 1983, as the "Tricentennial Anniversary Year of German Settlement in America". (Jan. 14, 1983; 96 Stat. 2603) Price: $1.75.