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federal register

Wednesday
March 16, 1983

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Economic Regulatory Administration

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Federal Trade Commission

Air Pollution Control
Environmental Protection Agency

Credit Unions
National Credit Union Administration

Disaster Assistance
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Public Health Service

Pesticides and Pests
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Trade Practices
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Energy Department

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Presidential Documents

Title 3—

The President

Proclamation 5031 of March 14, 1983

National P.O.W.–M.I.A. Recognition Day, 1983

By the President of the United States of America

A Proclamation

Since the earliest days of our Nation, America's men and women have answered the call to duty. In each of our country's conflicts, our prisoners of war have endured extreme hardships and have been required to make great sacrifices. But even when facing the most extreme adversity, they have proudly defended American ideals. Their burden has been magnified when they were subject to mistreatment, torture, or death in violation of fundamental moral standards and international codes of conduct.

Our country is also acutely aware of the deep suffering experienced by the families of our servicemen held captive or missing in action. These families have faced a haunting uncertainty and awesome silence that tear at their hearts and earns the deep esteem of their countrymen.

American P.O.W.'s and M.I.A.'s are heroes who have gone beyond courage and beyond duty to an honored place in the souls of their fellow Americans. They symbolize the kind of singular sacrifice and devotion that has repeatedly proven instrumental in shaping our Nation's destiny. This country will never forget nor fail to honor those who have so courageously garnered our highest regard.

By Joint Resolution, the Congress has designated April 9, 1983, as National P.O.W.–M.I.A. Recognition Day. On this day, I firmly believe that we should recognize the special debt all Americans owe to our fellow citizens who gave up their freedom in the service of our country and to the families who have undergone a great travail.

We shall continue to remember our missing servicemen. Our Nation must never forget them. Resolution of their fate is, and will remain, a matter of the highest national priority. On April 9, 1983, a P.O.W.–M.I.A. Flag will fly over the White House, the Departments of State and Defense, and the Veterans Administration as a symbol of our unswerving commitment to resolving the fate of all servicemen still missing.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Saturday, April 9, 1983, as National P.O.W.–M.I.A. Recognition Day, a day dedicated to all former American prisoners of war, to those still missing, and to their families. I call on all Americans to join in honoring those who have been held captive in war and their loved ones.

I call upon State and local officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-7020
Filed 3-15-83; 10:57 am]
Billing code 3195-01-M

Rules and Regulations

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FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3106]

McCaffrey and McCall, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires a New York City advertising agency, among other things, to cease misrepresenting in advertisements that the Black Pro Shaver or any other drug or device will cure or minimize "razor bumps." The company is required to have a reasonable basis for advertising representations relating to the efficacy, performance or benefit of any drug, device or other product; is barred from making statements which are inconsistent with reliable scientific or medical evidence; and prohibited from misrepresenting the extent or results of product testing. The order also requires that the company maintain specific records for a period of three years and provide its sales and advertising personnel with a copy of the order.

DATE: Complaint and order issued March 7, 1983.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PA, Wallace S. Snyder, Washington, D.C. 20580. (202) 724-1499.

SUPPLEMENTARY INFORMATION: On Thursday, September 24, 1981, there was published in the Federal Register, 46 FR 47085, a proposed consent agreement with analysis In the Matter of McCaffrey and McCall, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices, and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly; § 13.170 Qualities or properties of product or service; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests. Subpart—Corrective Actions and/or Requirements; § 13.533 Corrective actions and/or requirements; § 13.533–45 Maintain records. Subpart—Misrepresenting Oneself and Goods—Goods; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure; § 13.1863 Limitations of product; § 13.1895 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Advertising, Electric razors, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Benjamin I. Berman,
Acting Secretary.

[FR Doc. 83-6794 Filed 3-15-83; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket C-3105]

North American Philips Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires a New York City corporation, among other things, to cease misrepresenting that the Black Pro Shaver or any other drug or device will cure or minimize "razor bumps." The company is required to have a reasonable basis for representations relating to the efficacy, performance or benefit of any drug, device or other product; is barred from making statements which are inconsistent with reliable scientific or medical evidence; and prohibited from misrepresenting the extent or results of product testing. The order also requires that the company maintain specific records for a period of three years and provide its sales and advertising personnel with a copy of the order.

DATE: Complaint and order issued March 7, 1983.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PA, Wallace S. Snyder, Washington, D.C. 20580. (202) 724-1499.

SUPPLEMENTARY INFORMATION: On Thursday, Sept. 24, 1981, there was published in the Federal Register, 46 FR 47088, *correction*, 46 FR 49910, a proposed consent agreement with analysis in the Matter of North American Philips Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections to the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.170 Qualities or properties of product or service; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific test. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–45 Maintain records. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—

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

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

Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1895 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Electric shavers, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46 Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-6793 Filed 3-15-83; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 232

Guides for Advertising Radiation Monitoring Instruments

AGENCY: Federal Trade Commission.

ACTION: Final revision of guides.

SUMMARY: In response to a request by the Federal Emergency Management Agency (FEMA), the Federal Trade Commission has decided to revise its "Guides for Advertising Radiation Monitoring Instruments" to reflect the new name of the agency responsible for establishing criteria applicable to the "Guides".

EFFECTIVE DATE: March 8, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/PC, Lewis Franke, Washington, D.C. 20580. (202) 376-2891.

SUPPLEMENTARY INFORMATION: On November 8, 1967 the Commission published its "Guides for Advertising Radiation Monitoring Instruments". 32 FR 15533 (1967). Throughout the "Guides" reference is made to "Official OCD Criteria" or "Criteria for Radiation Instruments for Use by the General Public as published by the Office of Civil Defense".

By letter of November 24, 1982 the Federal Emergency Management Agency (FEMA) requested that the Commission revise the "Guides" to show the new name and address of the agency responsible for publishing the "Criteria". The Commission decided to grant the request and amends the "Guides" as of March 16, 1983.

List of Subjects in 16 CFR Part 232

Advertising, Civil defense, Radiation protection.

PART 232—[AMENDED]

§ 232.0-1 [Amended]

Section 232.0-1(e) of the Guides is amended by striking the term "OCD" and substituting therefor the term "Federal Emergency Management Agency (FEMA)". The words "Office of Civil Defense, Department of Defense, Washington, D.C. 20301" are stricken and substituted therefor are the words "Federal Emergency Management Agency, Washington, D.C. 20472". Footnote 1 is amended by striking the words "Office of Civil Defense, Department of Defense, Washington, D.C. 20301" and substituting therefor "Federal Emergency Management Agency, Washington, D.C. 20472".

§§ 232.1, 232.2 and 232.6 [Amended]

Sections 232.1, 232.2, and 232.6 are modified by striking the term "OCD" and substituting therefor the term "FEMA".

By the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-6607 Filed 3-15-83; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 231, 240 and 241

[Release Nos. 33-6458; 34-19570; FR-11; File No. S7-940]

Revision of Financial Statement Requirements and Industry Guide Disclosure for Bank Holding Companies

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of final rules which amend Article 9 of Regulation S-X regarding financial statements filed for bank holding companies. The amendments to Article 9 are being adopted to (1) eliminate rules which are duplicative of generally accepted accounting principles ("GAAP"), (2) integrate and simplify the rules, (3) reflect current financial reporting practices, and (4) improve financial reporting generally. In addition, certain related amendments to the Guides for Statistical Disclosure by Bank Holding Companies have been adopted in order to incorporate a number of disclosures which have been eliminated from the requirements of Article 9. The Commission is also amending the proxy rules to eliminate the interim rule that requires only substantial compliance with Article 9 in annual reports to shareholders. Consequently, bank holding companies that are required to comply with the Commission's proxy rules will be required to include in annual reports to shareholders financial statements prepared in accordance with the requirements of Regulation S-X.

EFFECTIVE DATE: The rules adopted herein are applicable to financial statements for fiscal years ending on or after December 31, 1983, although earlier application of these rules in their entirety is permitted. Upon adoption of these rules, where comparative financial statements are presented, all reported periods should conform with the rules adopted herein.

FOR FURTHER INFORMATION CONTACT: Marc D. Oken (202-272-2157), Edmund Coulson (202-272-2130), or Eugene W. Green (202-272-2161), Office of the Chief Accountant, or Howard P. Hodges, Jr. (202-272-2553), Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission has adopted a comprehensive revision of Article 9 of Regulation S-X (17 CFR Part 210), which governs the form and content of financial statements filed for bank holding companies. This revision, undertaken as part of the Commission's project to coordinate disclosure requirements under the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), is intended to simplify and improve financial reporting requirements. The rules delete certain existing Article 9 requirements that are duplicative of GAAP or that are no longer necessary. The final rules generally reflect current financial reporting practices, except for the income statement presentation of investment securities gains or losses, the disclosure requirements for loans to related parties and parent company financial information. These issues are discussed further below.

Certain disclosure requirements (which were previously included in Article 9 and thus were required in the primary financial statements) have been relocated as part of the Industry Guides for Disclosure by Bank Holding Companies: Securities Act Industry Guide 3 and Exchange Act Industry Guide 3 ("Guide 3").[1] The most significant of these include information about short-term borrowings, disclosure of investment concentrations, and certain details about foreign activities. The Commission has concluded that these disclosures are primarily analytical in nature and thus are similar in character to the other types of disclosures called for by Guide 3.

[1] Items 801 and 802 of Regulation S-K (17 CFR Part 229).

The Commission solicited public comments on the proposed revision of Article 9 and Guide 3 in Release No. 33-6417 (July 9, 1982) (47 FR 32158 (July 26, 1982)). That release contained a detailed discussion of the proposed revisions. Rather than repeat those discussions, this release focuses on the principal differences from the proposal and the bases for such revisions.

The Commission received one hundred and ten letters of comment on the proposals. Most commentators expressed general support for the revisions; however, numerous suggestions were made regarding various aspects of the proposals. The two areas frequently commented on related to the proposed revision of the requirements for reporting investment security transactions and the proposed modification of the disclosure requirements dealing with loans to related parties. The Commission has carefully weighed the views of commentators and has accordingly made certain revisions to the proposed requirements. The views of commentators and the Commission response thereto are discussed below.

Investment Securities Gains or Losses. The proposed rules called for a change in the income statement format to report gains or losses on investment securities as a separate component of income before income tax expense, rather than as a separate item (less applicable taxes) after the caption entitled "income before securities gains or losses." This proposed elimination of the so-called two-step format of reporting income both before and after investment security transactions was commented on by approximately three-fourths of the respondents. A majority of those commentators opposed the proposed change. Objection to the proposed one-step approach was based primarily on the view that the two-step reporting format is a customary presentation which banks have used for many years, and that the inclusion of the effect of investment securities transactions as a part of income from banking operations is inappropriate and will result in a less useful presentation. A few commentators objected for other reasons, indicating that banks should have the ability to restructure their investment portfolio without penalizing current "operating" income with the related losses, or that the proposed change would increase the potential to manage or smooth reported earnings through the timing and selection of securities transactions.

Although the rule met with considerable opposition, a significant number of commentators strongly endorsed the change. Proponents indicated that a uniform net income approach was long overdue and that conforming the reporting format used by bank holding companies to that used by virtually all other entities would eliminate much of the confusion surrounding a bank holding company's actual earnings. These commentators generally agreed with the Commission that there is no conceptual basis for reporting investment transactions in a manner that implies that the gains or losses thereon represent something other than operating earnings. Further, the present reporting was viewed as being inconsistent in that security losses are excluded from operations, while the interest on the replacement security, which generally exceeds the interest on the previous security, is included in operating income. On this point, it was mentioned that the sale of securities generally has the same objective as the sale of mortgage loans and should be classified similarly.

Careful consideration has been given to the comments of respondents, particularly those of users, and the needs of investors. While the Commission understands that some persons believe that income before securities gains or losses provides a better basis upon which to evaluate trends, the Commission continues to believe that the two-step income format promotes the misconception that securities transactions are not part of normal banking operations, and that this format detracts from the importance of net income, which should be of primary importance to investors. Furthermore, there are many other discretionary items (similar to securities transactions) which are included in income before securities gains and losses.

For these reasons, and because of the potential for inappropriate reporting of certain transactions as security gains or losses, the Commission is adopting the one-step income statement format for bank holding companies as proposed, with one change. In response to commentator suggestions that the proposed presentation of securities gains or losses as a separate caption after other income and other expenses retains some of the complexity of the present two-step format, the final rules call for the presentation of investment securities gains and losses as a separate subcategory of other income.

In response to certain commentator suggestions that the one-step format will somehow influence investment policies regarding the content of the investment portfolio and the restructuring thereof (including the potential for registrants to manage earnings through the timing and selection of securities transactions), the Commission wishes to emphasize its belief that the revised reporting format should not have a bearing on prudent decision making. Furthermore, the Commission's existing disclosure requirements require specific disclosures about the content of the investment securities portfolio and the yields thereon. Such disclosures should provide users with the necessary information to evaluate management's investment policies and strategies.

In response to certain commentator suggestions that the one-step format will increase the potential for registrants to manage earnings, the Commission emphasizes the responsibility of bank holding companies, as well as all other registrants, to clearly identify and explain in the Management's Discussion and Analysis the nature and impact of all special, discretionary, or nonrecurring items (such as investment securities gains or losses) having a material effect on reported financial condition, changes in financial condition and results of operations.

The Commission is aware of certain private-sector initiatives to promote the adoption of the one-step income statement for the entire banking industry. This action would complement the Commission's action, which is only applicable to bank holding companies required to file with the Commission.

In addition, the FASB has a project on its agenda as part of its conceptual framework to explore display issues in reporting earnings.[3] This project will deal with, among other things, the purpose of the income statement, the concept of operating performance and how information should be displayed in the income statement (i.e., the reporting of details, subtotals, and which kind of items should be presented separately within the statement). The Commission expects that the outcome of this project (which has been under consideration for some time and is not yet near completion) should result in more useful financial reports for companies in all industries. Thus, the Commission encourages the FASB to aggressively pursue this project and stands ready to reconsider the provisions of Article 9

[3] FASB Exposure Draft, Proposed Statement of Financial Accounting Concepts, "Reporting Income, Cash Flows and Financial Position of Business Enterprises," (November 16, 1981). The comment period on this exposure draft expired May 3, 1982. After reviewing the comments received, the FASB decided that further development of concepts for reporting earnings should be delayed so as to be concurrent with the development of concepts for measurement and recognition criteria.

being adopted today, as well as other provisions of S–X governing the form and content of financial statements, based on its evaluation of the results of the FASB project.

Loans to Related Parties. The requirements regarding related party loan disclosures have been modified from the proposal in two significant ways. First, as proposed, the rules would have increased the range of relatives included as related parties by deleting the "same residence" provision of the existing requirement. In response to comments indicating that the inclusion of distant relatives was impractical and of little significance to investors, and also for purposes of achieving consistency with the revised Item 404 of Regulation S–K,[3] the Commission's final rules apply to members of the "immediate family" only. This revision will encompass more relatives than encompassed by the former rules, but will be significantly less burdensome than the proposal. Second, the proposed requirement that the amount of related party loans include loans to any corporation or organization of which an executive officer, director or principal shareholder of the registrant or any of its significant subsidiaries is an officer (but not a principal shareholder) has been deleted. This change is made in response to comments that the proposed rules would greatly expand the definition of related parties without providing meaningful information to financial statement users.

Certain other changes have been made in an effort to achieve greater consistency with the Commission's recent actions concerning Item 404 of Regulation S–K. The principal change in this respect is an exclusion from the related party loans required to be reported of all indebtedness which in the aggregate did not exceed $60,000 during the latest fiscal year.

Substantial commentary was also received regarding the proposed requirement to compute the weighted average amount of related party loans outstanding during the year and, in some cases, to discuss individual transactions when such weighted average amount significantly exceeded the amount of related party loans at the balance sheet date. In light of these comments, the final rules have been revised to amend this aspect of the proposal; the final rules call for an analysis of the amount of aggregate loans to related parties from the beginning to the end of the period for the latest fiscal year. The Commission believes that this disclosure should adequately inform investors as to the significance of loan transactions with related parties without imposing an undue burden on registrants.

A significant number of commentators suggested that the Commission eliminate all requirements for disclosure of related party loans because banks engage in lending transactions in the ordinary course of business. Many of these commentators suggested that no distinction is necessary for loans to related parties since such transactions are highly regulated and subject to certain legal requirements. Other commentators suggested that specific Commission requirements are unnecessary since GAAP adequately addresses this area under the Financial Accounting Standards Board's Statement of Financial Accounting Standards No. 57, "Related Party Disclosures" ("SFAS 57"). The Commission has considered the views of these commentators and continues to believe specific information about loans to related parties is material information for investors and shareholders. Furthermore, analysis of commentator letters indicates some confusion about the applicability of SFAS 57 to bank holding companies, since SFAS 57 contains an exception for certain related party transactions in the ordinary course of business. Therefore, the Commission has determined to retain its specific disclosure requirements to ensure consistent minimum disclosure in this important area.

Cash and Due from Banks. The proposed instruction regarding restricted cash balances has been modified with respect to the reference to Federal Reserve requirements. This change was made in response to statements by commentators that disclosure of such balances at the end of the year would rarely be of interest to investors, particularly since the reserve requirements are based on average balances. These commentators suggested that point in time disclosures are generally not meaningful since they could fluctuate significantly. The final requirements make reference to disclosure of average Federal Reserve balances. They also retain the general requirement to disclose withdrawal and usage restrictions and compensating balance requirements. (See section 203.02.b of the Codification of Financial Reporting Policies for related discussion of disclosures of average restricted balances.)

Short-Term Investments. The rules being adopted for interest-bearing deposits in other banks have been revised in response to the comments. Under the proposal, these deposits would have been presented in a new short-term investment category. Commentators stated that these deposits can have maturities longer than one year and that their risk characteristics differ from those of other short-term investments. Accordingly, the final rules require interest-bearing deposits in other banks to be included as a separate line item following cash and due from banks. In addition, the final rules require Federal funds sold and securities purchased under resale agreements to be shown as a separate caption, with all other short-term investments presented separately. This presentation is consistent with the new Bank Audit Guide which has been approved for issuance by the American Institute of Certified Public Accountants.

Nonperforming Loans. The Commission proposed several minor changes to the Guide 3 requirements involving the determination and reporting of nonperforming loans. Various commentators questioned these modifications as well as some requirements which were retained from the existing rules. Since the Commission plans to consider publishing a separate proposal regarding disclosures about nonperforming loans, no changes from the present requirements regarding nonperforming loans have been made in this release.

Bankers' Acceptances. In the proposing release, the Commission requested comments on the balance sheet presentation of banker's acceptance transactions. Although no changes were proposed to the present requirement to disclose on the balance sheet amounts due from customers on acceptances and banks' acceptances outstanding as assets and liabilities, the Commission noted that some have indicated that the current presentation should be reevaluated to determine whether these transactions should be reported as contingent liabilities.

Response to the inquiry was diverse. Some commentators maintained that acceptances are best characterized as contingent liabilities, while others stated their belief that the present practice is appropriate. A significant number of commentators suggested that this issue should be left to the private sector for resolution.

In the absence of a consensus as to the most appropriate accounting in this area, and considering the complexity of the issues, the Commission has

[3] On December 2, 1982, the Commission adopted final rules regarding disclosure of certain relationships and transactions involving management; Securities Act Release No. 6441 (December 13, 1982) (47 FR 5566).

determined that it will not take any further action at this time. Rather, the Commission encourages industry and accounting groups to continue to consider this issue, and if deemed necessary, to refer the matter to the Financial Accounting Standards Board for resolution.

Parent Company Financial Information. In the proposing release, the Commission requested comments on the need for parent company financial information when consolidated financial statements are presented for bank holding companies. The response to this inquiry indicates that many users and preparers of bank holding company financial statements strongly believe that information provided by separate financial statements of the parent company are necessary for informed decisions since intercompany loans, advances and cash dividends by bank subsidiaries are subject to substantial regulatory restrictions. The Commission believes that these views are valid and that the parent company information should be widely available to assist in making informed investment decisions. Accordingly, the final rules provide that the condensed parent only financial information currently provided in Schedule III (modified to prescribe certain separate disclosures about bank and non-bank subsidiaries which was previously required in a schedule) [4] be presented in the notes to the consolidated financial statements. The effect of the change will be to require parent company financial information in the annual reports to shareholders of bank holding companies.

Other. In addition to various editorial revisions, certain other substantive changes have been made in the final rules:

—The instructions in Article 9 concerning disclosure of the valuation of trading account assets have been deleted since GAAP calls for such assets to be carried at market value.

—A provision was added to Rule 9-03(7) allowing the registrant to use different loan categories than those specified if it results in a more meaningful presentation; this provision currently exists in Article 9 but was not included in the proposal.

—The requirements of Section V-A of Guide 3 regarding the types of deposits have been amended to provide for disclosures of the average rates paid thereon. Also, an instruction was added to allow the use of captions other than those specified for domestic deposits if appropriate. These changes were made in light of the impact of deregulation on the costs and sources of funds, and should provide additional useful information about these funding sources and provide flexibility to appropriately describe the nature of the deposits.[5]

[4] The requirement to provide information in a schedule about investments in and indebtedness of and to bank subsidiaries, and cash dividends paid by bank subsidiaries was rescinded by Accounting Series Release No. 302 in Securities Act Release No. 6359 (November 6, 1981) (46 FR 56171).

[5] As provided for in General Instruction No. 5 of Industry Guide 3, if information as to average rates paid on domestic deposits or the average balances of the categories of foreign deposits is not reasonably available on an historical basis, a waiver may be granted and thus these disclosures may be provided prospectively.

Codification Update

The "Codification of Financial Reporting Policies" announced in Financial Reporting Release No. 1 (April 15, 1982) (47 FR 21028) is updated to:

1. Add the following sentence to the bracketed introduction to Section 401:

In FRR 11, the Commission adopted further revisions to Article 9 to (1) eliminate rules which are duplicative of GAAP, (2) integrate and simplify the rules, (3) reflect current financial reporting practices, and (4) improve financial reporting generally. In addition, certain related amendments to the Guides for Statistical Disclosure by Bank Holding Companies (Industry Guide 3) were adopted in order to incorporate a number of disclosures which were eliminated from the requirements of Article 9. The Commission also amended the proxy rules to require bank holding companies to include in annual reports to shareholders financial statements prepared in accordance with Regulation S-X.

2. Add the section of this release entitled "Investment Securities Gains or losses" to § 401.04.

3. Add the last paragraph of the section of this release entitled "Loans to Related Parties" to § 401.02.

4. Include as § 401.06 the section of this release entitled "Bankers' Acceptances."

5. Include as § 401.07 the section of this release entitled "Parent Company Financial Information."

The Codification is a separate publication issued by the SEC. It will not be published in the **Federal Register**/Code of Federal Regulations system.

List of Subjects in 17 CFR Parts 210, 231 and 241

Accounting, Reporting requirements Securities.

The Commission hereby amends 17 CFR Chapter II as follows

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. By removing §§ 210.9-01 to 210.05 and adding new §§ 210.9-01 to 210.9-07 as follows:

Bank Holding Companies

§ 210.9-01 Application of §§ 210.9-01 to 210.9-07

This article is applicable to consolidated financial statements filed for bank holding companies and to any financial statements of banks that are included in filings with the Commission.

§ 210.9-02 General requirement.

The requirements of the general rules in §§ 210.1 to 210.4 (Articles 1, 2, 3, 3A and 4) should be complied with where applicable.

§ 210.9-03 Balance sheets.

The purpose of this rule is to indicate the various items which, if applicable, should appear on the face of the balance sheets or in the notes thereto.

Assets

1. *Cash and due from banks.* The amounts in this caption should include all noninterest bearing deposits with other banks.

(a) Any withdrawal and usage restrictions (including requirements of the Federal Reserve to maintain certain average reserve balances) or compensating balance requirements should be disclosed (see § 210.5-02-1).

2. Interest-bearing deposits in other banks.

3. *Federal funds sold and securities purchased under resale agreements of similar arrangements.* These amounts should be presented gross and not netted against Federal funds purchased and securities sold under agreement to repurchase as reported in Caption 13.

4. *Trading account assets.* Include securities or any other investments held for trading purposes only.

5. Other short-term investments.

6. *Investment securities* Include securities held for investment only. Disclose the aggregate book value of investment securities; show on the balance sheet the aggregate market value at the balance sheet date. The aggregate amounts should include securities pledged, loaned or sold under repurchase agreements and similar arrangements; borrowed securities and securities purchased under resale agreements or similar arrangements should be excluded.

(a) Disclose in a note the carrying value and market value of securities of (1) the U.S. Treasury and other U.S. Government agencies and corporations; (2) states of the

U.S. and political subdivisions; and (3) other securities.

7. *Loans.* Disclose separately (1) total loans, (2) the related allowance for losses and (3) unearned income.

(a) Disclose on the balance sheet or in a note the amount of total loans in each of the following categories:

(1) Commercial, financial and agricultural
(2) Real estate—construction
(3) Real estate—mortgage
(4) Installment loans to individuals
(5) Lease financing
(6) Foreign
(7) Other (State separately any other loan category regardless of relative size if necessary to reflect any unusual risk concentration).

(b) A series of categories other than those specified in (a) above may be used to present details of loans if considered a more appropriate presentation.

(c) The amount of foreign loans must be presented if the disclosures provided by § 210.9–05 are reqdired.

(d) For each period for which an income statement is required, furnish in a note a statement of changes in the allowance for loan losses showing the balances at beginning and end of the period provision charged to income, recoveries of amounts charged off and losses charged to the allowance.

(e)(1)(i) As of each balance sheet date, disclose in a note the aggregate dollar amount of loans (exclusive of loans to any such persons which in the aggregate do not exceed $60,000 during the latest year) made by the registrant or any of its subsidiaries to directors, executive officers, or principal holders of equity securities (§ 210.1–02) of the registrant or any of its significant subsidiaries (§ 210.1–02), or to any associate of such persons. For the latest fiscal year, an analysis of activity with respect to such aggregate loans to related parties should be provided. The analysis should include the aggregate amount at the beginning of the period, new loans, repayments, and other changes. (Other changes, if significant, should be explained.)

(ii) This disclosure need not be furnished when the aggregate amount of such loans at the balance sheet date (or with respect to the latest fiscal year, the maximum amount outstanding during the period) does not exceed 5 percent of stockholders equity at the balance sheet date.

(2) If a significant portion of the aggregate amount of loans outstanding at the end of the fiscal year disclosed pursuant to (e)(1)(i) above relates to nonperforming loans, so state and disclose the aggregate amount of such nonperforming loans along with such other information necessary to an understanding of the effects of the transactions on the financial statements.

See, Industry Guide 3, Statistical Disclosure by Bank Holding Companies for definition of "nonperforming loans."

(3) Notwithstanding the aggregate disclosure called for by (e)(1) above, if any loans were not made in the ordinary course of business during any period for which an income statement is required to be filed, provide an appropriate description of each such loan (See § 210.4–08(L)(3)).

(4) Definition of terms. For purposes of this rule, the following definitions shall apply:

"Associate" means (i) a corporation, venture or organization of which such person is a general partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities; (ii) any trust or other estate in which such person has a substantial beneficial interest or for which such person serves as trustee or in a similar capacity and (iii) any member of the immediate family or any of the foregoing persons.

"Executive officers" means the president, any vice president in charge of a principal business unit, division or function (such as loans, investments, operations, administration or finance), and any other officer or person who performs similar policymaking functions.

"Immediate Family" means such person's spouse; parents; children; siblings; mothers and fathers-in-law; sons and daughters-in-law; and brothers and sisters-in-law.

"Ordinary course of business" means those loans which were made on substantially the same terms, including interest rate and collateral, as those prevailing at the same time for comparable transactions with unrelated persons and did not involve more than the normal risk of collectibility or present other unfavorable features.

8. *Premises and equipment.*

9. *Due from customers on acceptances.* Include amounts receivable from customers on unmatured drafts and bills of exchange that have been accepted by a bank subsidiary or by other banks for the account of a subsidiary and that are outstanding—that is, not held by a subsidiary bank, on the reporting date. (If held by a bank subsidiary, they should be reported as "loans" under § 210.9–03.7.)

10. *Other assets.* Disclose separately on the balance sheet or in a note thereto any of the following assets or any other asset the amount of which exceeds thirty percent of stockholders equity. The remaining assets may be shown as one amount.

(1) Excess of cost over tangible and identifiable intangible assets acquired (net of amortization).

(2) Other intangible assets (net of amortization).

(3) Investments in and indebtness of affiliates and other persons.

(4) Other real estates.

(a) Disclose in a note the basis at which other real estate is carried. An reduction to fair market value from the carrying value of the related loan at the time of acquisition shall be accounted for as a loan loss. Any allowance for losses on other real estate which has been established subsequent to acquisition should be deducted from other real estate. For each period for which an income statement is required, disclosures should be made in a note as to the changes in the allowances, including balance at beginning and end of period, provision charged to income, and losses charged to the allowance.

11. Total assets.

Liabilities and Stockholders' Equity

Liabilities.

12. *Deposits.* Disclose separately the amounts of noninterest bearing deposits and interest bearing deposits.

(a) The amount of noninterest bearing deposits and interest bearing deposits in foreign banking offices must be presented if the disclosure provided by § 210.0–05 are required.

13. *Short-term borrowing.* Disclosure separately on the balance sheet or in a note, amounts payable for (1) Federal funds purchased and securities sold under agreements to repurchase; (2) commercial paper, and (3) other short-term borrowings.

(a) Disclose any unused lines of credit for short-term financing: (§ 210.5–02.19(b)).

14. *Bank acceptances outstanding.* Disclose the aggregate of unmatured drafts and bills of exchange accepted by a bank subsidiary, or by some other bank as its agent, less the amount of such acceptances acquired by the bank subsidiary through discount or purchase.

15. *Other liabilities.* Disclose separately on the balance sheet or in a note any of the following liabilities or any other items which are individually in excess of thirty percent of stockholders' equity (except that amounts in excess of 5 percent of stockholders' equity should be disclosed with respect to item (4)). The remaining items may be shown as one amount.

(1) Income taxes payable.
(2) Deferred income taxes.
(3) Indebtedness to affiliates and other persons the investments in which are accounted for by the equity method.
(4) Indebtedness to directors, executive officers, and principal holders of equity securities of the registrant or any of its significant subsidiaries (the guidance in § 210.9–03.7(e) shall be used to identify related parties for purposes of this disclosure).
(5) Accounts payable and accrued expenses.

16. *Long-term debt.* Disclose in a note the information required by § 210.5–02.22.

17. *Commitments and contingent liabilities.*

18. *Minority interest in consolidated subsidiaries.* The information required by § 210.5–02.27 should be disclosed if applicable.

Redeemable Preferred Stocks

19. *Preferred stocks subject to mandatory redemption requirements or whose redemption is outside the control of the issuer.* See § 210.5–02.28.

Non-redeemable Preferred Stocks

20. *Preferred stocks which are not redeemable or are redeemable solely at the option of the issuer.* See § 210.6–02.29.

Common Stocks

21. *Common stocks.* See § 210.5–02.30.

Other Stockholders' Equity

22. *Other stockholders' equity.* See § 210.5–02.31.

23. *Total liabilities and stockholders' equity.*

§ 210.9-04 Income statements.

The purpose of this rule is to indicate the various items which, if applicable, should appear on the face of the income statement or in the notes thereto.

1. *Interest and fees on loans.* Include commitment and origination fees, late charges and current amortization of premium and accretion of discount on loans which are related to or are an adjustment of the loan interest rate.

2. *Interest and dividends on investment securities.* Disclosure separately (1) taxable interest income, (2) nontaxable interest income, and (3) dividends.

3. *Trading account interest.*

4. *Other interest income.*

5. *Total interest income.*

6. *Interest on deposits.*

7. *Interest on short-term borrowings.*

8. *Interest on long-term debt.*

9. *Total interest expense.*

10. *Net interest income.*

11. *Provision for loan losses.*

12. *Net interest income after provision for loan losses.*

13. *Other income.* Disclose separately any of the following amounts, or any other item of other income, which exceed one percent of the aggregate of total interest income and other income. The remaining amounts may be shown as one amount, except for investment securities gains or losses which shall be shown separately regardless of size.

(a) Commissions and fees and fiduciary activities.

(b) Commissions, broker's fees and markups on securities underwriting and other securities activities.

(c) Insurance commissions, fees and premiums.

(d) Fees for other customer services.

(e) Profit or loss on transactions in securities in dealer trading account.

(f) Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned persons.

(g) Gains or losses on disposition of equity in securities of subsidiaries or 50 percent or less owned persons.

(h) Investment securities gains or losses. The method followed in determining the cost of investments sold (e.g., "average cost," "first-in, first-out," or "identified certificate) and related income taxes shall be disclosed.

14. *Other expenses.* Disclose separately any of the following amounts, or any other item of other expense, which exceed one percent of the aggregate of total interest income and other income. The remaining amounts may be shown as one amount.

(a) Salaries and employee benefits.

(b) Net occupancy expense of premises.

(c) Goodwill amortization.

(d) Net cost of operation of other real estate (including provisions for real estate losses, rental income and gains and losses on sales of real estate).

(e) Minority interest in income of consolidated subsidiaries.

15. *Income or loss before income tax expense.*

16. *Income tax expense.* The information required by § 210.4-08(h) should be disclosed.

17. *Income or loss before extraordinary items and cumulative effects of changes in accounting principles.*

18. *Extraordinary items, less applicable tax.*

19. *Cumulative effects of changes in accounting principles.*

20. *Net income or loss.*

21. *Earnings per share data.*

§ 210.9-05 Foreign Activities.

(a) *General requirement.* Separate disclosure concerning foreign activities shall be made for each period in which either (1) assets, or (2) revenue, or (3) income (loss) before income tax expense, or (4) net income (loss), each as associated with foreign activities, exceeded ten percent of the corresponding amount in the related financial statements.

(b) *Disclosures.* (1) Disclose total identifiable assets (net of valuation allowances) associated with foreign activities.

(2) For each period for which an income statement is filed, state the amount of revenue, income (loss) before taxes, and net income (loss) associated with foreign activities. Disclose significant estimates and assumptions (including those related to the cost of capital) used in allocating revenue and expenses to foreign activities; describe the nature and effects of any changes in such estimates and assumptions which have a significant impact on interperiod comparability.

(3) The information in paragraph (b) (1) and (2) of this section shall be presented separately for each significant geographic area and in the aggregate for all other geographic areas not deemed significant.

(c) *Definitions.* (1) "Foreign activities" include loans and other revenues producing assets and transactions in which the debtor or customer, whether an affiliated or unaffiliated person, is domiciled outside the United States.

(2) The term "revenue" includes the total of the amount reported at §§ 210.9-04.5 and 210.9-04.13.

(3) A "significant geographic area" is one in which assets or revenue or income before income tax or net income exceed 10 percent of the comparable amount as reported in the financial statements.

§ 210.9-06 Condensed financial information of registrant.

The information prescribed by § 210.12-04 shall be presented in a note to the financial statements when the restricted net assets (§ 210.4-08(e)(3)] of consolidated subsidiaries exceed 25 percent of consolidated net assets as of the end of the most recently completed fiscal year. The investment in and indebtedness of and to bank subsidiaries shall be stated separately in the condensed balance sheet from amounts for other subsidiaries; the amount of cash dividends paid to the registrant for each of the last three years by bank subsidiaries shall be stated separately in the condensed income statement from amounts for other subsidiaries. For purposes of the above test, restricted net assets of consolidated subsidiaries shall mean that amount of the registrant's proportionate share of net assets of consolidated subsidiaries (after intercompany eliminations) which as of the end of the most recent fiscal year may not be transferred to the parent company by subsidiaries in the form of loans, advances or cash dividends without the consent of a third party (i.e., lender, regulatory agency, foreign government, etc.). Where restrictions on the amount of funds which may be loaned or advanced differ from the amount restricted as to transfer in the form of cash dividends, the amount least restrictive to the subsidiary shall be used. Redeemable preferred stocks (§ 210.5-02.28) and minority interests shall be deducted in computing net assets for purposes of this test.

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§ 210.9-07 Schedules.

(a) The following schedules, which should be examined by an independent accountant, should be filed unless the required information is not applicable or is presented in the related financial statements.

Schedule I—Indebtedness to Related Parties. The schedule prescribed by § 210.12-05 should be filed for each period for which an income statement is required in support of the amounts required to be reported by § 210.9-03.15(4) unless such aggregate amount does not exceed 5 percent of stockholders' equity at either the beginning or the end of the period.

Schedule II—Guarantees of Securities of Other Issuers. The schedule prescribed by § 210.12-08 should be filed as of the date of the most recent audited balance sheet with respect to any guarantees of securities of other issuers by the person for which the statements are being filed.

2. By revising § 210.12-01 as follows:

Form and Content of Schedules

General

§210.12-01 Application of §§ 210.12-01, to 210.12-29.

These sections prescribe the form and content of the schedules required by §§ 210.5-04, 210.6-10, 210.6-13, 210.6-24, 210.6-34, 210.7-05 and 210.9-07.

PART 231—INTERPRETIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

3. By revising the Securities Act Industry Guide 3 (Statistical Disclosure by Bank Holding Companies) of Part 231 by adding new Item VII and by revising the general instructions and the remaining items. The full text of the revised industry guide, as proposed, is set out below.

Guide 3—Statistical Disclosure By Bank Holding Companies

General Instructions

1. This Guide applies to the description of business portions of those bank holding company registration statements for which financial statements are required.

2. Information furnished in accordance with this Guide should generally be presented in tabular form in the order appearing below. However, an alternative presentation, such as inclusion of the information in Management's Discussion and Analysis, may be used if in management's opinion such presentation would be more meaningful to investors.

3. When the term "reported period" is used in the Guide, it refers to each of the periods described below:

(a) Each of the last three fiscal years of the registrant, except as is provided in paragraphs (b) and (c) below;

(b) Each of the last five fiscal years of the registrant with respect to Items III and IV, except as is provided in paragraph (c) below;

(c) Each of the last two fiscal years with respect to all items, if the registrant had assets of less than $200,000,000 or net worth of $10,000,000 or less as of the end of its latest fiscal year; and

(d) Any additional interim period necessary to keep the information from being misleading.

The reported period shall not include an additional interim period under paragraph (d) above merely because an income statement is presented for such additional interim period, but the reported period shall include such an additional period if a material change in the information presented or the trend evidenced thereby has occurred.

4. Unless otherwise indicated, averages called for by the Guide are daily averages. Where the collection of data on a daily average basis would involve unwarranted or undue burden or expense, weekly or month-end averages may be used, provided such averages are representative of the operations of the registrant. The basis used for presenting averages need be stated only if not presented on a daily average basis.

5. Some of the information called for by the Guide which is prospective in nature may not be available on a historical basis. The staff should be advised of such situations prior to filing and if the requested information is unavailable and cannot be compiled without unwarranted or undue burden or expense, the requirement that such information be furnished may be waived. If possible, reasonably comparable date should be furnished instead. If certain requested information will not be available with respect to periods to be covered in future filings subject to the Guide, this should also be brought to the staff's attention.

6. The disclosure requirements of the Guide are also applicable to foreign registrants to the extent the requested information is available. If the information is unavailable and cannot be compiled without unwarranted or undue burden or expense, this should be brought to the staff's attention.

Note.—In evaluating the reasonableness of assertions by registrants that the compilation of requested information, such as historical data or daily averages, would involve an unwarranted or undue burden or expense, the staff takes into consideration, among other factors, the size of the registrant, the estimated costs of compiling the data the electronic data, processing capacity of the registrant and efforts in process to obtain the information in future periods.

7. In various places throughout this Guide, disclosure is called for regarding certain "foreign" data. For purposes of this Guide, this information need not be presented unless the registrant is required to make separate disclosures concerning its foreign activities in its consolidated financial statements pursuant to the test set forth in § 210.9–05 of Regulation S–X.

I. Distribution of Assets, Liabilities and Stockholders' Equity; Interest Rates and Interest Differential

A. *For each reported period present, average balance sheets.* The format of the average balance sheets may be condensed from the detail required by the financial statements provided that the condensed average balance sheets indicate the significant categories of assets and liabilities, including all major categories of interest-earning assets and interest-bearing liabilities. Major categories of interest-earning assets should include loans, taxable investment securities, non-taxable investment securities, interest-bearing deposits in other banks, Federal funds sold and securities purchased with agreements to resell, other short-term investments, and other (specify if significant). Major categories of interest-bearing liabilities should include savings deposits, other time deposits, short-term debt, long-term debt and other (specify if significant).

B. *For each reported period, present an anlaysis of net interest earnings as follows:*

1. For each major category of interest-earning asset and each major category of interest-bearing liability, the average amount outstanding during the period and the interest earned or paid on such amount.

2. The average yield for each major category of interest-bearing asset.

3. The average rate paid for each major category of interest-bearing liability.

4. The average yield on all interest-earning assets and the average effective rate paid on all interest-bearing liabilities.

5. The net yield on interest-earning assets (net interest earnings divided by total interest-earning assets, with net interest earnings equaling the difference between total interest earned and total interest paid).

6. This analysis may, at the option of the registrant, be presented in connection with the average balance sheet required by paragraph A.

C. *For the latest two fiscal year present (1) the dollar amount of change in interest income and (2) the dollar amount of change in interest expense.* The changes should be segregated for each major category of interest-earning asset and interest-bearing liability into amounts attributable to (a) changes in volume (changes in volume times old rate), (b) changes in rates (change in rate times old volume), and (c) changes in rate-volume (change in rate times the change in volume). The rate/volume variances should be allocated on a consistent basis between rate and volume variance and the basis of allocation disclosed in a note to the table.

Instructions. (1) Explain how nonaccruing loans have been treated for purposes of the analyses required by paragraph B.

(2) In the calculation of the changes in the interest income and interest expense, any out-of-period items and adjustments should be excluded and the types and amounts of items excluded disclosed in a note to the table.

(3) If loan fees are included in the interest income computation, the amount of such fees should be disclosed, if material.

(4) Tax exempt income may be calculated on a tax equivalent basis. A

brief note should describe the extent of recognition of exemption from Federal, state and local taxation and the combined marginal or incremental rate used.

(5) If disclosure regarding foreign activities is required pursuant to General Instruction 7 of this Guide, the information required by paragraph A, B and C of Item I should be further segregated between domestic and foreign activities for each significant category of assets and liabilities disclosed pursuant to paragraph A. In addition, for each reported period, present separately, on the basis of averages, the percentage of total assets and total liabilities attributable to foreign activities.

II. Investment Portfolio

A. As of the end of each reported period, present the book value of investments in obligations of (1) the U.S. Treasury and other U.S. Government agencies and corporations; (2) States of the U.S. and political subdivisions; and (3) other securities including bonds, notes, debentures and stock of business corporations, foreign governments and political subdivisions, intergovernmental agencies and the Federal Reserve Bank.

B. As of the end of the latest reported period, present the amount of each investment category listed above which is due (1) in one year or less, (2) after one year through five years, (3) after five years through ten years, and (4) after ten years. In addition, state the weighted average yield for each range of maturities.

Instruction. State whether yields on tax exempt obligations have been computed on a tax equivalent basis. (See Instruction (4) to Item I.) Any major changes in the tax-exempt portfolio should be discussed hereunder.

C. As of the end of the latest reported period, state the name of any issuer, and the aggregate book value and aggregate market value of the securities of such issuer, when the aggregate book value of such securities exceeds ten percent of stockholders' equity.

Instruction. The term "issuer" has the meaning given in section 2(4) of the Securities Act of 1933, except that debt securities issued by a state of the United States and its political subdivisions and agencies which are payable from and secured by the same source of revenue or taxing authority shall be considered to be securities of a single issuer. This information does not have to be provided for securities of the U.S. Government and U.S. Government agencies and corporations. Consideration should be given to disclosure of risk characteristics of the securities of an issuer and of differences in risk characteristics of different issues of securities of an issuer as may be appropriate.

III. Loan. Portfolio

A. *Types of Loans.* As of the end of each reported period, present separately the amount of loans in each category listed below. Also show the total amount of all loans for each reported period which amounts should be the same as those shown on the balance sheets.

Domestic:

1. Commercial, financial and agricultural;
2. Real estate—construction;
3. Real estate—mortgage;
4. Installment loans to individuals;
5. Lease financing.

Foreign:

6. Governments and official institutions;
7. Banks and other financial institutions;
8. Commercial and industrial;
9. Other loans.

Instructions. A series of categories other than those specified above may be used to present details of loans if considered a more appropriate presentation. Furthermore, additional details of loans by category, or separate disclosure of other loan categories may be necessary or appropriate in some circumstances, to show unusual risk or uncertainties such as a substantial portion of total loans which are concentrated in one or a few industries or foreign countries.

B. *Maturities and Sensitivity to Changes in Interest Rates.* As of the end of the latest fiscal year reported on, present separately the amount of loans in each category listed in paragraph A (except that this information need not be presented for categories 3, 4 and 5, and categories 6 through 9 may be aggregated) which are: (1) Due in one year or less, (2) due after one year through five years and (3) due after five years. In addition present separately the total amount of all such loans due after one year which (a) have predetermined interest rates and (b) have floating or adjustable interest rates.

Instructions. (1) Scheduled repayments should be reported in the maturity category in which the payment is due.

(2) Demand loans, loans having no stated schedule of repayments and no stated maturity, and overdrafts should be reported as due in one year or less.

(3) Determinations of maturities should be based upon contract terms. However, such terms may vary due to the registrant's "rollover policy," in which case the maturity should be revised as appropriate and the rollover policy should be briefly discussed.

C. *Nonperforming Loans.* As of the end of each reported period, state the aggregate amount of loans in each of the following categories for: (a) Loans accounted for on a nonaccrual basis; (b) loans which are contractually past due 90 days or more as to interest or principal payments (but not included in the non-accrual loans in (a) above); (c) loans, the terms of which have been renegotiated to provide a reduction or deferral of interest or principal because of a deterioration in the financial position of the borrower (exclusive of loans in (a) or (b) above); and (d) loans now current where there are serious doubts as to the ability of the borrower to comply with present loan repayment terms. In connection with (d), a separate discussion of the risk elements associated with such loans, including the relative magnitude of such risks, shall be given.

Instructions. (1) Loans in categories 4 and 5 of paragraph A need not be considered for disclosure pursuant to paragraph C unless the total amount which would be excluded exceeds 10 percent of total loans.

(2) A renewal of a loan at maturity on current market terms will not be considered a renegotiation for purposes of clause (c) of paragraph C.

(3) A loan remains in the category described in clause (c) until time as the terms are substantially equivalent to terms on which loans with comparable risks are being made.

(4) If a substantial portion of the loans stated pursuant to paragraph C are concentrated in one or a few industries, separate disclosure of the information required by this paragraph should be provided for such loans.

(5) The registrant may use different criteria and may present quantitative information in a different manner than described above if such presentation more effectively identifies and communicates the present risk elements in the loan portfolio.

IV. Summary of Loan Loss Experience

(A) An analysis of loss experience shall be furnished in the following format for each reported period:

ANALYSIS OF THE ALLOWANCE FOR LOAN LOSSES

	Reported period
Balance at beginning of period	$X.
Charge-offs:	
Domestic:	
Commercial, financial and agricultural	X.
Real estate-construction	X.
Real estate-mortgage	X.
Installment loans to individuals	X.
Lease financing	X.
Foreign	X.
	X.
Recoveries:	
Domestic:	
Commercial, financial and agricultural	X.
Real estate-construction	X.
Real estate-mortgage	X.
Installment loans to individuals	X.
Lease financing	X.
Foreign	X.
	X.
Net charge-offs	X.
Additions charged to operations	X.
Balance at end of period	$X.
Ratio of net charge-offs during the period to average loans outstanding during the period	X.

Instructions. (1) The above table is not intended to mandate a specific format for disclosure of this information. Registrants are encouraged to experiment with various disclosure formats in the interest of effective communication of this data; however, all the required information must be given.

(2) For each period presented, describe briefly the factors which influenced management's judgment in determining the amount of the additions to the allowance charged to operating expense. A statement that the amount is based on management's judgment will not be sufficient.

(3) If, in accordance with the instructions to paragraph III–A, information concerning loans has been presented in categories other than those specified in that paragraph, those other categories should be used to present the disclosures called for under this paragraph.

(4) If the registrant is required to present separate data as to its foreign activities pursuant to General Instruction 7 to this Guide, disclosure must be provided as to the changes in the allowance for loan losses applicable to loans related to foreign activities, including the balances at the beginning and end of the periods, charge-offs, recoveries, and additions charged to operations.

B. At the end of each reported period, furnish a breakdown of the allowance for loan losses in the following format:

ALLOCATION OF THE ALLOWANCE FOR LOAN LOSSES

Balance at end of period applicable to	Reported period	
	Amount	Percent of loans in each category to total loans
Domestic	$x	x.
Commercial, financial and agricultural	x	x.
Real estate-construction	x	x.
Real estate-mortgage	x	x.
Installment loans to individuals	x	x.
Lease financing	x	x.
Foreign	x	x.
Unallocated	x	N/A
	x	$00

Instructions. (1) See instructions (1) and (3) to paragraph A above.

(2) In lieu of the breakdown of the allowance for loan losses by loan category called for above, the registrant may furnish a narrative discussion of the risk elements in the loan portfolio and the factors considered in determining the amount of the allowance for loan losses. The discussion may be extended to risk elements associated with particular loan categories or subcategories. Information should also be furnished as to the approximate anticipated amount of chargeoffs by category during the next full year of operation.

V. Deposits

A. For each reported period, present separately the average amount of and the average rate paid on each of the following deposit categories which are in excess of 10 percent of average total deposits:

Deposits in domestic bank offices:

(1) Noninterest bearing demand deposits.

(2) Interest bearing demand deposits.

(3) Savings deposits.

(4) Time deposits.

Deposits in foreign banking offices:

(5) Banks located in foreign countries (including foreign branches of other U.S. banks).

(6) Foreign governments and official institutions.

(7) Other foreign demand deposits.

(8) Other foreign time and savings deposits.

B. Categories other than those specified for deposits in domestic bank offices above may be used to present the types of domestic deposits if they more appropriately describe the nature of the deposits.

C. If material, the registrant should disclose separately the aggregate amount of deposits by foreign depositors in domestic offices. Identification of the nationality of the depositors is not required.

D. As of the end of the latest reported period, state the amount outstanding of (1) time certificates of deposit in amounts of $100,000 or more and (2) other time deposits of $100,000 or more issued by domestic offices by time remaining until maturity of 3 months or less; over 3 through 6 months; over 6 through 12 months; and over 12 months.

E. As of the end of the latest reported period, state the amount outstanding of time certificates of deposits and other time deposits in amount of $100,000 or more issued by foreign offices. If the aggregate of such certificates of deposit and time deposits in amounts exceeding $100,000 represents a majority of total foreign deposit liabilities, the disclosure need not be given, provided that there is a statement that a majority of deposits were in amounts in excess of $100,000.

VI. Return of Equity and Assets

For each reported period, present the following:

(1) Return on assets (net income divided by average total assets).

(2) Return on equity (net income divided by average equity).

(3) Dividend payout ratio (dividends declared per share divided by net income per share).

(4) Equity to assets ratio (average equity divided by average total assets).

Instructions. (1) If mandatorily redeemable preferred stock is outstanding, furnish the ratios required under (2) and (4) above in a dual presentation including and excluding such stock in the calculations.

(2) Registrants should supply any other ratios which they deem necessary to explain their operations.

VII. Short-Term Borrowings

For each reported period, present the following information for each category of short-term borrowings reported in the financial statements pursuant to § 210.9–04.11:

(1) The amounts outstanding at the end of the reported period, the weighted average interest rate thereon, and the general terms thereof;

(2) The maximum amount of borrowings in each category outstanding at any month-end during each reported period;

(3) The approximate average amounts outstanding during each reported period and the approximate weighted average interest rate thereon.

Instruction. This information is not required to be given for any category of short-term borrowings for which the average balance outstanding during the

period was less than 30 percent of stockholders' equity at the end of the period.

4. By amending Part 231 by adding this release, Release No. 33-6458 (March 7, 1983) to the list of interpretive releases set forth thereunder.

PART 241—INTERPRETIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

5. By conforming Exchange Act Industry Guide 3 [Statistical Disclosure by Bank Holding Companies] to the amendments proposed for Securities Act Industry Guide 3.

6. By amending Part 241 by adding this release, Release No. 34-19570 (March 7, 1983) to the list of interpretive releases set forth thereunder.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

7. By revising paragraph (b)(1) of § 240.14a-3 to read as follows:

§ 240.14a-3 Information to be furnished to security holders.

* * * * *

(b) * * *

(1) The report shall include, for the registrant and its subsidiaries consolidated, audited balance sheets as of the end of each of the two most recent fiscal years and audited statements of income and changes in financial position for each of the three most recent fiscal years prepared in accordance with Regulation S-X (Part 210 of this chapter), except that the provisions of Article 3 (other than § 210.3-03(e), 210.3-04 and 210.3-20) and Article 11 shall not apply. Any financial statement schedules or exhibits or separate financial statements which may otherwise be required in filings with the Commission may be omitted. Investment companies registered under the Investment Company Act of 1940 need include financial statements only for the last fiscal year except for statements of changes in net assets which are to be filed for the two most recent fiscal years. If the financial statements of the registrant and its subsidiaries consolidated in the annual report filed or to be filed with the Commission are not required to be audited, the financial statements required by this paragraph may be unaudited.

* * * * *

8. By revising paragraph (a)(1) of § 240.14c-3 to read as follows:

§ 240.14c-3 Annual report to be furnished security holders.

(a) * * *

(1) The report shall include, for the registrant and its subsidiaries consolidated, audited balance sheets as of the end of each of the two most recent fiscal years and audited statements of income and changes in financial position for each of the three most recent fiscal years prepared in accordance with Regulation S-X (Part 210 of this chapter), except that the provisions of Article 3 (other than § 210.3-03(e), 210.3-04 and 210.3-20) and Article 11 shall not apply. Any financial statement schedules or exhibits or separate financial statements which may otherwise be required in filings with the Commission may be omitted. Investment companies registered under the Investment Company Act of 1940 need include financial statements only for the last fiscal year except for statements of changes in net assets which are to be filed for the two most recent fiscal years. If the financial statements of the registrant and its subsidiaries consolidated in the annual report filed or to be filed with the Commission are not required to be audited, the financial statements required by this paragraph may be unaudited.

* * * * *

Authority

These amendments are being adopted pursuant to the authority in Sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; Sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; Sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935; and Sections 8, 30, 31(c) and 38(a) [15 U.S.C. 80a-8, 80a-29, 80a-30(c), 80a-37(a)] of the Investment Company Act of 1940.

As required by Section 23(a)(2) of the Securities Exchange Act, the Commission has specifically considered the impact that the amendments will have on competition. The Commission finds that compliance with the amendments will not impose a burden on competition.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 7, 1983.

[FR Doc. 83-6832 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[FAP 1H5321/R139, PH-FRL 2321-8]

Tolerances for Pesticides in Food and in Animals Administered by the Environmental Protection Agency; Dicamba

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes food and feed additive regulations to permit the combined residues of the herbicide dicamba and its metabolite in or on certain food and feed commodities. This regulation to establish maximum permissible levels for the combined residues of the pesticide in or on the commodities was requested, pursuant to a petition, by Velsicol Chemical Corporation.

EFFECTIVE DATE: March 16, 1983.

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

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

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of October 27, 1981 [46 FR 52417], that announced that Velsicol Chemical Corp., 341 East Ohio St. Chicago, Illinois 60611, had filed food/feed additive petition 1H5321 with the EPA. This petition proposed the establishment of a food and a feed additive regulations for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its sugarcane metabolite (3,6-dichloro-5-hydroxy-*o*-anisic acid in or on sugarcane molasses at 0.5 ppm.

The petitioner subsequently amended the petition to propose the establishment of food and feed additive regulations for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its sugarcane metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on sugarcane molasses at 2.0 ppm.

No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated and discussed in a related document [1F2569/R539] establishing

tolerances on sugarcane, sugarcane fodder and forage, milk, meat, fat, meat byproducts, liver and kidney of cattle, goats, hogs, horses, and sheep which appears elsewhere in today's **Federal Register.**

The acceptable daily intake (ADI) based on the 2-year dog feeding study (NOEL of 1.25 mg/kg/day) and using a 100-fold safety factor is calculated to be 0.0125 mg/kg/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 0.75 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg diet is calculated to be 0.1174 mg/day, which utilizes 15.65 percent of the ADI. The current action will add .00092 to the TMRC and utilize 0.13 percent of the ADI. The related document shown above, establishing tolerances on sugarcane, sugarcane fodder and forage, milk, liver, kidney, meat, fat and meat byproducts utilize 20.75 percent of the ADI. Other proposed but unapproved tolerances utilize 0.8 percent of the ADI.

Chemical analyses of dicamba indicate that certain formulations may contain low levels of dimethyl-*N*-nitrosamine (DMNA) as an impurity. Laboratory studies have shown that DMNA is carcinogenic in test animals. Therefore, although dicamba itself has not been shown to be oncogenic, the potential risk from the DMNA impurity must be considered. In addition, because these regulations relate to food and feed additives, the applicability of the Delaney Clause, section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 348(c)(3)(A), must be addressed.

The Delaney Clause requires the disapproval of any food or feed additive that has been shown to be a carcinogen in animal studies; it does not say that an additive shall be disapproved if any of its impurities (or constituents) are found to induce cancer. In this instance, the additive itself, dicamba, has not been shown to induce cancer. Recently, the Food and Drug Administration (FDA) has interpreted the Delaney Clause as not barring the approval of an additive with an undesired, nonfunctional oncogenic constituent, so long as the additive itself has not been shown to be oncogenic. Rather, FDA concluded, the impurity should be judged under the general safety provisions of the applicable section of FFDCA, using risk assessment as one of the decisions making tools. "D & C Green No. 6; Listing as a Color Additive in Externally Applied Drugs and Cosmetic", 47 FR 14138 (April 2, 1982); "Policy for Regulating Carcinogenic Chemicals in Food and Color Additives; Advanced Notice of Proposed Rulemaking", 47 FR 14464 (April 2, 1982). In issuing these regulations, the Agency has adopted and applied the FDA rationale for approving food and feed additives, for the reason set forth in the April 2, 1982 FDA publications.

The Agency has evaluated pertinent toxicology and residue information and has concluded that the potential oncogenic risk from any DMNA impurity in the dicamba to be used on sugarcane is very low. Even assuming a maximum theoretical residue level of DMNA in sugarcane and that all sugar in the diet is contaminated with DMNA, the potential oncogenic risk is estimated to be in the 10^{-8} range, well below the Agency's 10^{-6} action level for nitrosoamines. *See* "Pesticides Contaminated with *N*-nitroso Compounds; Proposed Policy", 45 FR 42854 (June 25, 1980). Further support for the Agency's decision is derived from the failure to detect any DMNA residues in samples of sugarcane treated with dicamba under customary conditions of use.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) *et seq.*). Therefore 21 CFR Parts 193 and 561 are amended as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Parts 193 and 561

Food additives, Animal feeds, Pesticides and pests.

Dated: March 4, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

Therefore, 21 CFR, Chapter I, is amended as follows:

PART 193—[AMENDED]

1. In Part 193 by adding a new § 193.465 to read as follows:

§ 193.465 Dicamba.

Tolerances are established for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on the following processed foods when present therein as a result of application of this herbicide to growing crops.

Foods	Parts per million
Sugarcane molasses	2.0

PART 561—[AMENDED]

2. In Part 561 by adding a new § 561.427 to read as follows:

§ 561.427 Dicamba.

Tolerances are established for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on the following processed feeds when present therein as a result of application of this herbicide growing crops.

Feeds	Parts per million
Sugarcane molasses	2.0

[FR Doc. 83-6611 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Puget Sound Area, Washington; Correction

AGENCY: Army Corps of Engineers, DOD.

ACTION: Final rule, correction.

SUMMARY: The Corps of Engineers published amendments to 33 CFR 207.750 in the **Federal Register** dated August 10, 1982 (47 FR 34534–34536). The regulations which establish the Hood Canal Naval restricted area were not changed as indicated in the preamble of that publication.

EFFECTIVE DATE: March 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard at (202) 272–0200.

SUPPLEMENTARY INFORMATION: The regulations in 33 CFR 207.750(e) Hood Canal, Bangor; Naval restricted areas as published in column 3 on 48 FR 34534 in the issue of August 10, 1982 is corrected by amending subparagraph (e)(3) *The regulations* as follows:

1. Change *with* to within in paragraph (e)(ii) (B) and (D).

2. Change *wil* to will in paragraph (e)(ii)(E).

3. Change paragraph (e)(ii) (F) to (4), add Enforcement and add *or his/her authorized representatives,* in lieu of and such agencies as he/she may designate.

Dated: March 4, 1983.

Approved:

John O. Roach, II,

DA Liaison Officer, With the Federal Register.

PART 207—[CORRECTED]

Accordingly the amendatory language for § 207.750 on page 34534, column 3 is corrected by removing "(e)(3)(i)" and replacing it with "(e)(3)" and by removing "by adding a new paragraph (f) as follows:" and replacing it with "by adding new paragraphs (e)(4) and (f) as follows:".

As corrected, (e)(3) is revised and (e)(4) is added to read as follows:

§ 207.750 Puget Sound Area, Washington.

* * * * *

(e) Hood Canal, Bangor; Naval restricted areas.

* * * * *

(3) The regulations—(i) Area No. 1 No person or vessel shall enter this area without permission from the Commander, Naval Base, Seattle, Washington, or his/her authorized representative.

(ii) Area No. 2 (A) The area will be used intermittently by the Navy for magnetic silencing operations.

(B) Use of any equipment such as anchors, grapnels, etc., which may foul underwater installations within the restricted area, is prohibited at all times.

(C) Dumping of any nonbuoyant objects in this area is prohibited.

(D) Navigation will be permitted within that portion of this circular area not lying within Area No. 1 at all times except when magnetic silencing operations are in progress.

(E) When magnetic silencing operations are in progress, use of the area will be indicated by display of quick flashing red beacons on the pier located in the southeast quadrant of the area.

(4) Enforcement. The regulations in this subsection shall be enforced by the Commander, Naval Base, Seattle, Washington, or his/her authorized representative.

* * * * *

(33 U.S.C. 1)

[FR Doc. 83-6806 Filed 3-15-83; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 2311-4; EPA Docket No. AW0 42 MD]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision of the Maryland State Implementation Plan. The revision is a Secretarial Order which provides for an extension of the previous visible emission exception granted to the Maryland Cup Corporation's Reisterstown Road plant from the State's "no visible emissions" regulations. The variance allows visible emissions not to exceed 25% opacity from the company's four wax coaters with their related cooling and exhaust systems.

EFFECTIVE DATE: The variance expires on September 11, 1987. This action will be effective on May 16, 1983 unless notice is received by April 15, 1983 that someone wishes to submit adverse or critical comments.

ADDRESS: Written comments should be addressed to Mr. Henry J. Sokolowski of the EPA, Region III address shown below. Copies of the revision and associated support material are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Patricia Gaughan

State of Maryland, Air Management Administration, Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201, Attn: Mr. George Ferreri

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

The Office of the Federal Register, 1100 L Street NW., Room 804, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Patricia Gaughan (3AW12), 215/597–8176 at the EPA, Region III address indicated above.

SUPPLEMENTARY INFORMATION: The State of Maryland submitted a Secretarial Order on November 15, 1982, for the Maryland Cup Corporation as a revision to the Maryland State Implementation Plan. The revision renews an exception, originally approved by EPA on November 16, 1981, 46 FR 56915, for a period of five years to COMAR 10.18.01.08 which requires no visible emissions. It applies to four wax coaters and their related cooling and exhaust systems at the Corporation's Reisterstown Road plant located in Baltimore County. The exception allows visible emissions not to exceed 25% opacity and expires September 11, 1987. The State demonstrated that the revision would not impact attainment of National Ambient Air Quality Standards.

The company has been unable to find an effective means to control the visible emissions. During the variance period, the company will continue to research new control technology applicable to its operation.

The State of Maryland certified that a public hearing on this SIP was held on November 1, 1982, as required by 40 CFR 51.4.

EPA Action: EPA has determined that this revision has no impact on attaining the National Ambient Air Quality Standards. EPA approves this revision.

The Office of Management and Budget has exempted this rule from

requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

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 April 16, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See section 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.

(42 U.S.C. 7401–7642)

Dated: March 8, 1983.

Anne M. Burford,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

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

Subpart V—Maryland

1. In § 52.1070, paragraph (c)(69) is added as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(69) A revision submitted by the State of Maryland on November 15, 1982, consisting of an extension to the previous visible emission execption to COMAR 10.18.01.08 (Exception to Visible Emission Requirements) for the Maryland Cup Corporation. The exception is renewed until September 11, 1987.

[FR Doc. 83-6823 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 52 and 62

[A-10-FRL 2310-5]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves amendments to the Oregon Department of Environmental Quality (DEQ) rules for primary aluminum plants and for equipment burning salt-laden wood waste from logs stored in salt water as revisions to the Oregon State Implementation Plan (SIP). EPA also approves the DEQ plan for controlling fluoride emissions from existing primary aluminum reduction plants. These revisions and plan were submitted by the State of Oregon, after adequate opportunity for public, private, and industry input, to satisfy the requirements of Sections 110 and 111(d) of the Clean Air Act.

DATES: This action will be effective on May 16, 1983 unless notice is received before April 15, 1983 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal thirty-day comment period on this action.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at the following locations:

Central Docket Section (10A–82–20), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97207

A copy of the State's submittal may be examined at: The Office of Federal Register, 1101 L Street NW., Room 8401, Washington, D.C. 20408.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442–1980, (FTS) 399–1980.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

Over the past several years the State of Oregon has submitted to EPA, as revisions to the Oregon SIP, a number of amendments to the DEQ rules for primary aluminum plants and equipment burning salt-laden wood waste from logs stored in salt water. Pursuant to Section 110 of the Act, EPA is today approving these revisions in order to make the Federally-approved SIP consistent with the current State air pollution control program. Section II describes each revision which EPA is approving. The State of Oregon has also submitted to EPA its plan for controlling fluoride emissions from existing primary aluminum reduction plants. Pursuant to Section 111(d) of the Act, EPA is today approving this plan which is described in Section III. Section IV summarizes EPA's action.

II. Plan Revisions

A. *Rules for Primary Aluminum Plants*

On February 21, 1974, DEQ submitted amendments to the existing rules for primary aluminum plants. These revisions:

(1) Added definitions of the terms "annual average," "monthly average," "opacity" and "Ringelmann smoke chart" to Oregon Administrative Rules, Chapter 340, Division 25, Section 260 (OAR 340–25–260);

(2) Added specific emission limitations for existing and new primary aluminum plants for total fluoride emissions and total organic and inorganic particulate matter emissions, and revised the standard for visible emissions for new plants from twenty percent to ten percent opacity (OAR 340–25–265);

(3) Added provisions to require more restrictive emission limits upon a finding by the Environmental Quality Commission (EQC) that the plant is located in a special problem area (OAR 340–25–270);

(4) Revised the requirements for monitoring programs (OAR 340–25–275);

(5) Revised the requirements for reporting (OAR 340–25–285);

(6) Deleted the requirements for special studies and revision of emission standards (previously OAR 340–25–285 and 290 respectively); and

(7) Renumbered the rule.

The DEQ however had not, at the time of submittal, met all the requirements for public hearings contained in 40 CFR 51.4.

On February 14, 1980, DEQ submitted further amendments to the rules for primary aluminum plants as an amendment to the February 21, 1974

submittal. These amendents extended the date for existing plants to comply with the emission limits for new plants from January 1, 1984 to January 1, 1986 (OAR 340-25-265(4)(b)), and extended the date for the EQC review of the feasibility of applying the limits for new plants to existing plants from 1979 to December 31, 1981 (OAR 340-25-265(5)). However, this submittal did not remedy the public hearing deficiency of the February 21, 1974 submittal.

Finally, on August 9, 1982, DEQ submitted further amendments to the rules for primary aluminum plants as an amendment to the two previous submittals. These amendments:

(1) Revised the definitions of "annual average" and "monthly average" in OAR 340-25-260;

(2) Revised the emission limits for total organic and inorganic particulate matter for plants using prebake cells;

(3) Deleted the provisions for compliance schedules and EQC feasibility studies in OAR 340-25-265(4) and 265(5) and required existing plants to comply with applicable emission limits immediately upon adoption of the rules (OAR 340-25-265(4));

(4) Revised the requirements for monitoring (OAR 340-25-280);

(5) Revised the requirements for reporting (OAR 340-25-285); and

(6) Made a number of minor revisions to correct citations to new statutes and rules.

In this submittal, DEQ certified that public hearings had been held on the entire rule for primary aluminum plants per 40 CFR 51.4

Since these rule revisions tighten the requirements of the current SIP and meet the applicable requirements of the Act, EPA is approving the rules, as submitted on February 21, 1974 and subsequently amended on February 14, 1980 and August 9, 1982.

B. Rules for Equipment Burning Salt-Laden Wood Waste from Logs Stored in Salt Water

On October 18, 1982, DEQ submitted an amendment to its rule for fuel burning equipment (OAR 340-21-020(2)) which exempts salt emissions from the current emission limitations for existing or new sources. This new subsection applies only to sources burning salt-laden wood waste on July 1, 1981, where salt in the fuel is the only reason for failure to comply with the emission limit and when the salt in the fuel results from storage or transportation of logs in salt water. Furthermore, this subsection establishes a new emission limit for subject sources of 0.6 grains per standard cubic foot for combined salt and particulate emissions, and a requirement that the plumes from the boiler stacks not exceed a darkness of Ringelmann 2 for more than 3 minutes in any one hour. The subsection also requires bi-annual particulate emissions source tests of the boiler stacks. With the submittal of the amended rule, DEQ requested the removal of the Air Contaminant Discharge Permit for the Weyerhaeuser plant in North Bend, Oregon (Permit Number: 06-0007) from the SIP.

The DEQ has certified that the only source impacted by this rule revision is the Weyerhaeuser plant in North Bend, Oregon. The new emission limit of 0.6 grains per standard cubic foot, which is equivalent to 320 pounds per hour for this source, represents an increase of 40 pounds per hour over the current SIP allowable limit of 280 pounds per hour which was approved by EPA on November 6, 1981 (46 FR 55101). However, the DEQ has indicated that the new limit of 320 pounds per hour reflects only a more accurate measurement of the flue gas flow rate and not an increase in actual emissions from the source. The annual emission limit of 1170 tons will not be changed. Therefore, since the only affected source is located in an attainment area and the rule revision will not result in an increase in emissions, EPA is approving the October 18, 1982 submittal and removing the previously approved Conditions 4, 5, and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in North Bend, Oregon (Permit Number: 06-0007) from the SIP.

III. State Plan for Controlling Fluoride Emissions from Existing Primary Aluminum Reduction Plants

As discussed above in Section II. A., Rules for Primary Aluminum Plants, DEQ submitted emission limitations for total fluoride emissions to EPA as a SIP revision on February 21, 1974. Also on February 21, 1974, DEQ submitted revisions to the requirements for monitoring and reporting for primary aluminum plants. On January 13, 1981, DEQ submitted its plan for the control of fluoride emissions from primary aluminum reduction plants as required by Section 111(d) of the Act and 40 CFR 60, Subpart B of EPA regulations. Finally, as discussed above, DEQ submitted further amendments to the monitoring and reporting requirements for primary aluminum plants.

The DEQ rules contain emission limitations prescribing allowable rates of emissions which are as stringent as the EPA emission guidelines. The rules specify test methods and procedures for determining compliance which are equivalent to those in Appendix A, 40 CFR Part 60. The DEQ has certified that the two existing primary aluminum reduction plants subject to these emission limitations, Reynolds Metals Company in Troutdale, Oregon, and Martin-Marietta in The Dalles, Oregon, are in compliance with Federal and State regulations for fluoride emissions. The rules include adequate legal authority and specific provisions for monitoring, testing, and reporting.

EPA has determined that the DEQ plan satisfies the requirements of Section 111(d) of the Act and EPA's regulations. Therefore, EPA is approving the plan as submitted on January 13, 1981, as amended by the August 9, 1982 submittal.

IV. Summary of Action

EPA views as noncontroversial and routine any revision to State emission limitations, developed for implementing the requirements of Sections 110 and 111(d) of the Act, which are enforceable and allow no increase in either emissions or ambient air quality levels. EPA also views as noncontroversial and routine any revision to State procedures which do not conflict with the requirements of Federal law or regulations. EPA today is therefore approving, without prior proposal, the amendments to DEQ rules for primary aluminum plants submitted on February 21, 1974, February 14, 1980, and August 9, 1982, the amendments to DEQ rules for equipment burning salt laden wood waste from logs stored in salt water submitted on October 18, 1982, and the plan for the control of fluoride emissions from primary aluminum reduction plants submitted on January 13, 1981 as amended by the August 9, 1982 submittal.

The public should be advised that this action will be effective on May 16, 1983. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on those revisions will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action on those revisions and another will begin a new rulemaking by announcing a proposal of the action on those revisions and establishing a comment period.

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 May 16, 1983. This action may not be challenged later in proceedings to

enforce its requirements. (See sec. 307(b)(2) of the Act.)

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that SIP approvals under Section 110 and plan approvals under Section 111(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities.

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

(Sec. 110(a), 111(d) and 301(a) of the Clean Air Act (42 U.S.C. 7410(a), 7411(d) and 7601(a)))

List of Subjects

40 CFR Part 52

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

40 CFR Part 62

Air pollution control, Fluoride, Sulfur Administrative practice nad procedure, Intergovernmental relations, Reporting requirements.

Dated: March 8, 1983.

Anne M. Burford,

Administrator.

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

PART 52—[AMENDED]

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

Subpart MM—Oregon

1. In § 52.1970, paragraphs (c) (57) and (58) are added as set forth below:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(57) Amendments to the rules for primary aluminum plants submitted by the Oregon State Department of Environmental Quality on February 21, 1974 (OAR 340-25-255 to 290), February 14, 1980 (OAR 340-25-265(4)(b) and 265(5)) and August 9, 1982 (OAR 340-25-255 to 285)

(58) Amendments to the rules for equipment burning salt laden wood waste from logs stored in salt water (OAR 340-21-020) and removal of Conditions 4, 5, and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in North Bend, Oregon (Permit Number: 06-0007) submitted by the Oregon State Department of Environmental Quality on October 18, 1982.

PART 62—[AMENDED]

Part 62 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

1. Section 62.9350 is renumbered as § 62.9500 and retitled as follows:

§ 62.9500 Identification of sources.

2. Section 62.9351 is renumbered as § 62.9501 and retitled as follows:

§ 62.9501 Identification of sources.

3. A new section is added as follows:

Plan for the Control of Designated Pollutants From Existing Facilities [Section 111(d) Plan]

§ 62.9350 Identification of plan.

(a) Identification of plan: Oregon Designated Facility Plan [Section 111(d) Plan].

(b) The plan was officially submitted as follows:

(1) Control of fluoride emissions from phosphate fertilizer plants, submitted by the Oregon State Department of Environmental Quality on June 1, 1977.

(2) Control of sulfuric acid mist emissions from sulfuric acid production units, submitted by the Oregon State Department of Environmental Quality on January 27, 1978.

(3) Control of fluoride emissions from primary aluminum reduction plants, submitted by the Oregon State Department of Environmental Quality on January 13, 1981 and August 9, 1982.

(c) Designated facilities: The plan applies to existing facilities in the following categories of sources:

(1) Phosphate fertilizer plants.

(2) Sulfuric acid production units.

(3) Primary aluminum reduction plants.

4. A new section is added as follows:

Fluoride Emissions From Primary Aluminum Reduction Plants

§ 62.9360 Identification of sources.

The plan applies to existing facilities at the following primary aluminum reduction plants:

(a) Reynolds Metals Company in Troutdale, Oregon

(b) Martin-Marietta in The Dalles, Oregon.

[FR Doc. 83-6619 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 65

[A-3-FRL No. 2322-2]

Approval of Delayed Compliance Order Issued by the Pennsylvania Department of Environmental Resources to InterRoyal Corporation

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of the Environmental Protection Agency hereby approves a Delayed Compliance Order issued by the Pennsylvania Department of Environmental Resources to InterRoyal Corporation. The Order requires the company to bring air emissions from its storage shelving manufacturing facility in Warren, Pennsylvania into compliance with certain regulations contained in the Federally approved Pennsylvania State Implementation Plan (SIP) by April 9, 1985. Because of the Administrator's approval, compliance with the Order by InterRoyal will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulations covered by the Order during the period the Order is in effect.

DATE: This rule will take effect March 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Arena, Air and RCRA Compliance Section (3AW22), Air & Waste Management Division, U.S. EPA, Region III, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-4561.

ADDRESSES: A copy of the Delayed Compliance Order, and supporting material, and any comments received in response to a prior **Federal Register** notice proposing approval of the Order are available for public inspection and copying (for appropriate charges) during normal business hours at: U.S. EPA, Region III, Air & Waste Management Division (3AW22), Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: On December 12, 1982 the Acting Regional Administrator of the Environmental Protection Agency's Region III Office published in the **Federal Register**, Vol. 47 No. 245, a notice proposing approval of a Delayed Compliance Order issued by the Pennsylvania Department of Environmental Resources to InterRoyal Corporation. The notice asked for public comments January 20, 1983 on the EPA proposal.

One public comment in favor of the proposal was received by this Office, therefore the delayed compliance order issued to InterRoyal Corporation is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The order places InterRoyal Corporation on a schedule to bring its shelving manufacturing facility in Warren into compliance as expeditiously as practicable with Title 25 Pennsylvania Code, § 129.52, "Surface Coating Process", a part of the federally approved Pennsylvania State Implementation Plan. The order also imposes interim requirements which meet Section 113(d)(1)(C) and 113(d)(7) of the act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit InterRoyal Corporation to delay compliance with the SIP regulations covered by the Order until April 9, 1985. The company is unable to immediately comply with these regulations. EPA has determined that its approval of the Order shall be effective (the date of publication of this notice) because of the need to immediately place InterRoyal Corporation on a schedule which is effective under the Clean Air Act for compliance with the applicable requirements of the Implementation Plan.

(42 U.S.C. 7413(d), 7601)

List of Subjects in 40 CFR Part 65

Air pollution control.

Dated: March 2, 1983.

Peter N. Bibko,

Regional Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDER

By adding the following entry to the table in Part 65.

§ 65.431 EPA Approval of State Delayed Compliance Orders Issued to major stationary sources.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Inter-Royal Corporation.	Warren, PA.	———	12/21/82	Section 129.52 of Title 25.	4/9/85.

[FR Doc. 83-6815 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 1F2569/R539; PH-FRL 2321-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Dicamba

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide dicamba and its metabolite in or on certain raw agricultural commodities. This regulation to establish maximum permissible levels of dicamba was requested, pursuant to a petition, by Velsicol Chemical Corporation.

EFFECTIVE DATE: March 16, 1983.

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

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

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of October 27, 1981 (46 FR 52417), that announced that Velsicol Chemical Corp., 341 East Ohio St., Chicago, Illinois 60611, had filed pesticide petition 1F2569 with the EPA. This petition proposed the establishment of tolerances for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its sugarcane metabolite 3,6-dichloro-5-hydroxyo-*o*-anisic acid in or on the raw agricultural commodity sugarcane at 0.05 part per million (ppm), and for the combined residues of dicamba and its demethylated metabolite 3,6-dichloro-2-hydroxybenzoic anisic acid in or on the raw agricultural commodities meat, fat, and meat byproducts at 0.03 ppm and kidneys at 0.2 ppm.

The petitioner subsequently amended the petition to propose the establishment of tolerances for the combined residues of dicamba (3,6-dichloro-*o*-anisic acid) and its sugarcane metabolite 3,6-dichloro-5-hydroxyo-*o*-anisic acid in or on the raw agricultural commodities sugarcane at 0.1 ppm, and sugarcane forage and fodder at 0.1 ppm, and for the combined residues of dicamba and its metabolite 3,6-dichloro-2-hydroxybenzoic acid in or on the raw agricultural commodities meat, fat, and meat byproducts (except liver and kidney) of cattle, goats, hogs, horses, and sheep at 0.2 ppm; liver and kidney of cattle, goats, hogs, horses, and sheep at 1.5 ppm and milk at 0.3 ppm.

No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicology data considered in support of the proposed tolerances include several acute studies, a teratology study (rabbit) with a no-observed effect level (NOEL) of 10 milligrams/kilogram/day (mg/kg/day); a teratology study (rat) with a NOEL of 160 mg/kg; a 3-generation reproduction study (rat) with a NOEL of 500 ppm (25 mg/kg/day); a 2-year feeding/oncognice study (rat) with systemic and oncogenic NOEL's of 500 ppm (25 mg/kg/day), and a 2-year feeding study (dog) with a systemic NOEL of 50.0 ppm (1.25 mg/kg/day).

The acceptable daily intake (ADI) based on the 2-year dog feeding study (NOEL of 1.25 mg/kg/day) and using a 100-fold safety factor is calculated to be 0.0125 mg/kg/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 0.75 mg/day. The theoretical maximum residue contribution (TMRC) for existing tolerances for a 1.5 kg diet is calculated to be 0.1174 mg/day, which utilizes 15.65 percent of the ADI. The current action will add 0.1566 to the TMRC and utilize 20.75 percent of the ADI. Food and feed additive regulations of 2.0 ppm for sugarcane molasses being established in related document [FAP 1H5321/R139] appearing elsewhere in today's **Federal Register** will utilize 0.13 percent of the ADI. Other proposed but unapproved tolerances will utilize 0.8 percent of the ADI.

Data currently lacking are an acute dermal LD_{50} study, an acute inhalation study, mutagenicity studies (multi-test evidence) and repeat of an oncogenic study in a rodent (mouse). The company has been notified of the above deficiencies and has agreed to perform the studies and to remove the use from the label should the results of the above studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 162.11.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography

with an electron capture detector, is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical. Residues are likely to occur in meat, milk, but the residues should be adequately covered by the tolerances on these commodities.

Chemical analyses of dicamba indicate that certain formulations may contain low levels of dimethyl-*N*-nitrosamine (DMNA) as an impurity. Laboratory studies have shown that DMNA is carcinogenic in test animals. Therefore, although dicamba itself has not been shown to be oncogenic, the potential risk from the DMNA impurity must be considered.

The Agency has evaluated pertinent toxicology and residue information and has concluded that the potential oncogenic risk from any DMNA impurity in the dicamba to be used on sugarcane is very low. Even assuming a maximum theoretical residue level of DMNA in sugarcane and that all sugar in the diet is contaminated with DMNA, the potential oncogenic risk is estimated to be in the 10^{-8} range, well below the Agency's 10^{-6} action level for nitrosoamines. *See* "Pesticides Contaminated with *N*-nitroso Compounds; Proposed Policy", 45 FR 42854 (June 25, 1980). Further support for the Agency's decision is derived from the failure to detect any DMNA residues in samples of sugarcane treated with dicamba under customary conditions of use.

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

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 4, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.227 is revised to read as follows:

§ 180.227 Dicamba; tolerances for residues

(a) Tolerances are established for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on the raw agricultural commodities as follows:

Commodities	Parts per million
Asparagus	3.0
Barley, grain	0.5
Barley, straw	0.5
Corn, fodder	0.5
Corn, forage	0.5
Corn, grain	0.5
Grasses, hay	40.0
Grasses, pasture	40.0
Grasses, rangeland	40.0
Oats, grain	0.5
Oats, straw	0.5
Sorghum, fodder	3.0
Sorghum, forage	3.0
Sorghum, grain	3.0
Sugarcane	0.1
Sugarcane, fodder	0.1
Sugarcane forage	0.1
Wheat, grain	0.5
Wheat, straw	0.5

(b) Tolerances are established for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-2-hydroxybenzoic acid in or on the raw agricultural commodities as follows:

Commodities	Parts per million
Cattle, fat	0.2
Cattle, kidney	1.5
Cattle, liver	1.5
Cattle, mbyp	0.2
Cattle, meat	0.2
Goats, fat	0.2
Goats, kidney	1.5
Goats, liver	1.5
Goats, mbyp	0.2
Goats, meat	0.2
Hogs, fat	0.2
Hogs, kidney	1.5
Hogs, liver	1.5
Hogs, mbyp	0.2
Hogs, meat	0.2
Horses, fat	0.2
Horses, kidney	1.5
Horses, liver	1.5
Horses, mbyp	0.2
Horses, meat	0.2
Milk	0.3
Sheep, fat	0.2
Sheep, kidney	1.5
Sheep, liver	1.5
Sheep, mbyp	0.2
Sheep, meat	0.2

[FR Doc. 83-6606 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2F2754/R525; PH-FRL 2321-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Flucythrinate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide flucythrinate in or on the commodity pears. This regulation to establish a maximum permissible level for residues of the insectide was requested, pursuant to a petition, by the American Cyanamid Company.

EFFECTIVE DATE: March 16, 1983.

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

FOR FURTHER INFORMATION CONTACT: Franklin D.R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of November 3, 1982 (47 FR 49892), that announced that the American Cyanamid Company, P.O. Box 400, Princeton, NJ 08540, had submitted pesticide petition 2F2754 proposing to amend 40 CFR 180.400 by establishing a tolerance for residues of the insecticide ((±)cyano (3-phenoxyphenyl)methyl(+)-4-difluoromethoxy)-alpha-(1-methylethyl)

benzeneacetate in or on the raw agricultural commodity pears at 0.05 part per million (ppm).

The American National Standards Institute (ANSI) has adapted the common name "flucythrinate" for the above chemical name.

There were no comments received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included an acute oral rat toxicity study with a median lethal dose (LD_{50}) of 81 milligrams (mg)/kilogram (kg) for male rats and 67 mg/kg for female rats; a 21-day delayed hen neurotoxicity study with a no-observed-effect level (NOEL) of 5,000 mg/kg, the highest dose tested (HDT); teratology studies (in rats and rabbits) with a NOEL of 8.0 mg/kg/day (HDT) for rats and a NOEL of 60 mg/kg/day (HDT) for rabbits; a 3 generation rat reproduction study with a NOEL of 30 ppm; 90-day subchronic rat and dog feeding studies with a NOEL of 60 ppm for rats and 150 ppm for dogs (HDT); 24-month rat chronic feeding/oncogenicity study which resulted in a systemic NOEL of 60 ppm (no oncogenic effects were noted at 120 ppm (HDT); an 18-month mouse oncogenic study (no oncogenic effects at 120 ppm (HDT); and the following mutagenicity studies: an Ames test at 1,000 μg/Plate (HDT) and a rat dominant lethal test at 10.0 mg/kg (HDT) (both negative).

Data considered desirable but currently lacking are a 6-month dog feeding study and a second neurotoxicity study in hens at higher dosage levels.

The petitioner has agreed in writing to (1) submit the 6-month dog study (which has been extended and will be reported as a 2-year dog study) and (2) repeat the 21-day delayed neurotoxicity study in hens at higher dose levels and submit the results to the Agency by April 30, 1983.

The acceptable daily intake (ADI) is calculated to be 0.0150 mg/kg/day based on the 3-generation rat reproduction study and its NOEL of 30 ppm (mg/kg) using a 100-fold safety factor. The maximum permissible intake (MPI) is calculated to be 0.9000 mg/day for a 60-kg person.

Currently published tolerances result in a theoretical maximum residue contribution (TMRC) of 0.0384 mg/day and utilize 4.27% of the ADI. The current action will increase the TMRC to 0.0386 mg/day and will result in the utilization of 4.29 percent of the ADI.

An adequate analytical method, gas chromatography, is available for enforcement purposes. There are currently no regulatory actions pending against the registration of this pesticide and no other relevant considerations in establishing this tolerance.

The nature of the residue is adequately understood for this tolerance. Because pears are not generally considered to be an animal feed, there is no expectation of secondary residues in meat, milk, poultry and eggs.

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

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

Pursuant to the requiremens of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

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

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

List of Subjects in 40 CFR Part 180

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

Dated: March 3, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.400 is revised to read as follows:

§ 180.400 Flucythrinate; tolerances for residues.

Tolerances are established for residues of the insecticide flucythrinate [(±)cyano (3-phenoxyphenyl) methyl (±)-4-difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate) in or on the following raw agricultural commodities:

Commodities	Parts per million
Cottonseed	0.1
Pears	0.05

[FR Doc. 83-6614 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 124

Revision of Income Criteria for Eligibility for Uncompensated Services

AGENCY: Health Resources and Services Administration, PHS, HHS.

ACTION: Rule-related notice.

SUMMARY: This notice announces the applicability of the recent revision of the poverty income guidelines to uncompensated services programs administered by health care facilities pursuant to Titles VI and XVI of the Public Health Service Act.

DATE: The revision of the guidelines must be implemented by affected facilities by March 20, 1983.

FOR FURTHER INFORMATION CONTACT: Martin J. Frankel, Director, Division of Facilities Compliance, OHF, BHMORD, HRSA, Room 5-30, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436-7795.

SUPPLEMENTARY INFORMATION: On February 17, 1983, the annual revision of the "Poverty Income Guidelines" was issued, effective upon publication (48 FR 7010). That revision affects, among others, health care facilities that have received construction assistance under Title VI or Title XVI of the Public Health Service Act, 42 U.S.C. 291, *et seq.*, and 42 U.S.C. 300q, *et seq.*, respectively. The regulations applicable to those facilities provide that the eligibility of persons for uncompensated services is to be determined in accordance with the current poverty income guidelines of the Department of Health and Human Services, formerly published by the Community Services Administration (CSA). See 42 CFR 124.506(a). The statute which gave this Department authority to revise the guidelines also provides that any reference in law to the poverty income guidelines constitutes a

reference to, in this case, the present revision. Pub. L. 97–35, 683(c)(1).

A discussion of the 30-day delay in the effective date can be found in the Federal Register, Volume 47, No. 79, page 17489, published on April 23, 1982.

Dated: March 10, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 83-6887 Filed 3-15-83; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 21021-216]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic; Correction

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

ACTION: Final rule; correction.

SUMMARY: NOAA corrects a typographical error in the final rule published February 4, 1983 (48 FR 5270). The preamble to the regulations implementing the Fishery Management Plan for the Coastal Migratory Pelagic Resources referred (at 48 FR 5271) to a Florida law prohibiting the use of purse seines. The correct citation is Florida Statutes § 370.08(3).

EFFECTIVE DATE: March 15, 1983.

FOR FURTHER INFORMATION CONTACT: Jack T. Brawner, 813–893–3141.

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

Dated: March 10, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-6881 Filed 3-15-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 52
Wednesday, March 16, 1983

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

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 205

[Docket No. ERA-R-83-01]

Proposed Amendment to Electric Power System Permits and Reports; Applications, Administrative Procedures and Sanctions—Fees To Pay Costs of Environmental Studies for Transmission Facilities Related to International Border Crossings

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a proposed rulemaking requiring applicants for Presidential Permits for the construction, maintenance and operation of electrical transmission lines associated with international border crossings to pay the costs of preparing and issuing any Environmental Impact Statement (EIS) necessary for ERA to comply with the National Environmental Policy Act of 1969 (NEPA). Environmental Assessments (EA), if required, may be prepared by the applicant pursuant to 40 CFR 1506.5(b), for the review and adoption by ERA. The applicant may also request that ERA arrange for the preparation of the EA, if required, at the applicant's expense. ERA proposes two alternatives. Under Alternative 1, when ERA determines that preparation of an environmental document is required, the applicant would enter into a contractual agreement with an independent third party contractor, selected by ERA. The independent third party contractor could be a government-owned, contractor-operated National Laboratory, or a private company qualified to conduct an environmental review and prepare an environmental document under the supervision of ERA. Under Alternative 2, when ERA determines that preparation of an environmental document is required, the applicant would be requested to submit a fee to ERA to cover the direct costs incurred by DOE in hiring a contractor to prepare the environmental document. The costs for which the applicant would be responsible would include the contractor's expenses to produce the draft and final environmental documents. DOE employee salaries and other fixed costs, as set forth in OMB Circular A-25, would not be charged to the applicant. Prior to the preparation of any Presidential Permit application, a potential applicant is encouraged to contact ERA and discuss the scope of the proposed project.

DATES: Written comments must be received not later than May 16, 1983. If requested or determined by ERA to be necessary, a public hearing will be held and the public so notified.

ADDRESSES: Written comments or requests for hearing should be addressed to the Office of Fuels Programs, Economic Regulatory Administraation, Department of Energy, Room GA-017, 1000 Independence Avenue, SW., Washington, D.C. 20585 (Docket No. ERA-R-83-01).

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Office of Fuels Programs, Department of Energy, Room GA-017, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-5935

Lise Courtney M. Howe, Office of General Counsel, Department of Energy, Room 6A-141, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

The authority to issue Presidential Permits pursuant to Executive Order No. 10485 was transferred to the Secretary of Energy by Executive Order No. 12038 (43 FR 4957). This responsibility was delegated by the Secretary to the Administrator of the Economic Regulatory Administration (DOE Delegation Order No. 0204-04, October 1, 1977)

The ERA regulations relating to the application for the construction, maintenance and operation of electric power transmission facilities appurtenant to international border crossings were published on October 28, 1980 (45 FR 71560) and are contained in 10 CFR 205.320 *et seq.* The regulations require any person, firm, cooperative, corporation or other entity to obtain a Presidential Permit for the operation of electric power transmission or distribution facilities crossing the border of the United States. The regulations specifically require that each applicant provide information regarding the project, the transmission lines to be covered by the Permit, and the environmental factors and impacts associated with all the transmission facilities and line routing alternatives. Two conformed copies of the application and a filing fee of $150 must accompany the original application. Persons receiving Presidential Permits also are required to file an annual report with ERA covering each month of the preceding calendar year, detailing by category the kilowatt hours of energy received or delivered and the associated cost and revenue.

Although DOE presently does not require applicants for Presidential Permits to pay the costs of preparing EIS's required by NEPA, in another program DOE does. *See* 10 CFR 504.9, Environmental Requirements for Certifying Powerplants (Fuel Use Act Coal Conversion Prohibition Order). In addition, such direct payment is consistent with the third party agreement regulations of the Environmental Protection Agency's National Pollutant Discharge Elimination System Program (40 CFR 6.604(g)).

II. Proposed Rule

ERA proposes in 10 CFR 205.328 that applicants seeking Presidential Permits pursuant to 10 CFR 205.320 *et seq.* will be responsible for the direct payment of costs associated with preparing any environmental documentation necessary for ERA to comply with NEPA. Two alternative methods are proposed.

Under Alternative 1, DOE will determine, on the basis of environmental information provided by the applicant pursuant to the application requirements of § 205.322 (c) and (d), if the preparation of an EA or EIS is required. If it is determined that an EIS is required, the applicant would enter

into a contractual agreement with an independent third party, which could be a government-owned, contractor-operated National Laboratory, a privately-owned consulting firm, or otherwise qualified company. This third party would be selected by ERA and must be qualified to conduct and prepare an EIS under the supervision of ERA. The party would be required to file a disclosure document stating that it does not have any conflict of interest, financial or otherwise, in the outcome of either the environmental process or the Permit application. ERA would approve the information to be developed and supervise the gathering, analysis, and presentation of the information. ERA would also have the authority to approve and modify any statement, analysis, or conclusion contained in the third party prepared environmental documents. Subsection 205.328(c) of Alternative 1 provides that ERA may waive the direct payment requirement where such waiver is determined by ERA to be in the public interest. If it is determined that an EA is required under Alternative 1, the applicant may prepare and environmental assessment pursuant to 40 CFR 1506.5(b) for review and adoption by DOE, or the applicant may enter into a contractual agreement with and independent third party, selected by ERA, who would prepare the EA, as set forth above.

Under Alternative 2, DOE will determine, on the basis of environmental information provided by the applicant pursuant to the application requirements of § 205.322 (c) and (d), if the preparation of an EA or an EIS is required. If it is so decided, DOE would determine a fee to cover the costs incurred by ERA in engaging a contractor to prepare the environmental impact statement. The fee would include the contractor's fee in preparing the EIS. DOE employee salaries and other fixed costs, as set forth in OMB Circular A-25, would not be charged to the applicant. The necessary environmental studies would proceed once the applicant has submitted the fee. Any balance of the fee remaining once all costs are incurred would be returned to the applicant. As in Alternative 1, ERA may waive the direct payment requirement where such waiver is determined by ERA to be in the public interest. If it is determined that an EA is required, the applicant may prepare the EA pursuant to 40 CFR 1506.5(b) for review and adoption by DOE, or it may choose to follow the procedure set forth above for Altenative 2.

One of these alternatives could be adopted in the final rule, or both of the alternatives could be included in the regulations. If both were included, provision could be made to select, based upon mutual agreement by the applicant and DOE, the alternative most appropriate to project goals.

ERA solicits comments on the appropriateness of requiring applicants to fund environmental analyses associated with NEPA compliance, and whether the alternatives as proposed would impact on the overall feasibility of projects. Further, should ERA put a specific limitation on the costs to be paid by the applicant under the first alternative? How might such a limitation be determined? Under the second alternative, would it be preferable to pay the fee on a time basis? Finally, ERA solicits any other suggestions that would make the NEPA process more responsive to the planning requirements of applicants.

III. Procedural Matters

A. Environmental Analysis

DOE has determined that these proposed regulations do not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, do not require the preparation of an EIS.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, Pub. L. 96-354 (5 U.S.C. 601-612), requires, in part, that an agency prepared an initial regulatory flexibility analysis for any proposed rule, unless it determines that the rule will not have a "significant economic impact" on a substantial number of small entities. Very few small entities within the meaning of the Regulatory Flexibility Act will be affected in any manner by these proposals because only a limited number of small entities seek such permits. DOE hereby certifies that these proposals, if adopted, are not likely to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. Therefore, DOE is not required to publish an initial regulatory flexibility analysis under Section 603(b) of that Act.

C. Executive Order No. 12291

Section 3 of Executive Order No. 12291 (46 FR 13193, February 19, 1981) requires that DOE determine whether a proposed rule is a "major rule," as defined by section 1(b) of Executive Order No. 12291 and prepare a regulatory impact analysis for each major rule.

DOE has determined that these proposed regulations are not a major rule under Executive Order No. 12291, and do not require the preparation of a regulatory impact analysis. These proposals will be unlikely to result in an annual effect on the economy of $100 million or more. DOE foresees no major increase in costs or prices for consumers, industries, geographic regions, or Federal, State or local government agencies. DOE does not consider it likely that the proposals will result in significant adverese effects on competition, employment, investment, or productivity. Therefore, no regulatory impact analysis is required.

Pursuant to section 3(c)(3) of Executive Order No. 12291, these proposals were submitted to the Office of Management and Budget for review at least 10 days prior to publication in the **Federal Register.**

D. Paperwork Reduction Act of 1980

The information collection requirement proposed under Section 205.328 is not subject to clearance under the Paperwork Reduction Act of 1980, Pub. L. 93-511, because less than 10 applications are received annually. Collectively, only 80 applications have been received since the program began in 1939.

IV. Comment Procedures

A. Written Comments

The public is invited to submit written comments with respect to the regulations to the Office of Fuels Programs, Economic Regulatory Administration, Room GA-017, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation, "Environmental Requirements for Presidential Permit Applications," Docket No. ERA-R-83-01.

Five copies should be submitted. All written comments and related information must be received by the Department of Energy not later than May 16, 1983, to ensure consideration.

B. Public Hearing

After reviewing written comments, ERA will decide whether a public hearing is needed to make a determination on a Final Rule. If it is decided to hold a public hearing, public notice will be given by announcement in the **Federal Register.**

List of Subjects in 10 CFR Part 205

Administrative practice and procedure, Electric power, Electric utilities, Environment, Filing fees, Report requirements.

(Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101). E.O. 10485, 18 FR 5397, 3 CFR 1949-1953 Comp., p. 970, as amended by E.O. 12038, 43 FR 4957, 3 CFR 1978 Comp., p. 136, Department of Energy Delegation Order No. 0204-4 (42 FR 60726))

Issued in Washington, D.C. on March 4, 1983.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

In consideration of the foregoing, the Department of Energy proposed to amend Part 205 of Chapter II, Title 10, Code of Federal Regulations, by adding § 205.328 to describe fees and clarify environmental requirements for Presidential Permit applicants.

Alternative 1

§ 205.328 Environmental Requirements for Presidential Permits.

(a) *NEPA Compliance.* Except as provided in paragraph (c) of this section, when an applicant seeks a Presidential Permit, the applicant will be responsible for the costs of preparing any necessary environmental document, including an Environmental Impact Statement (EIS), arising from ERA's obligation to comply with the National Environmental Policy Act of 1969 (NEPA). ERA will determine whether an EA or EIS is required within 45 days of the receipt of the Presidential Permit application and environmental information submitted pursuant to 10 CFR 205.322 (c) and (d). ERA will use the environmental information as the basis for making this determination. ERA may also use other information which the applicant may not have.

(1) If an EIS is determined to be necessary, the applicant shall enter into a contract with an independent third party, which could be a government-owned, contractor-operated National Laboratory, or a qualified private entity selected by ERA. The third party contractor must be qualified to conduct an environmental review and prepare an EIS, as appropriate, under the supervision of ERA, and may not have a financial or other interest in the outcome of the proceedings. The NEPA process must be completed and approved before ERA will issue a Presidential Permit.

(2) If an EA is determined to be necessary, the applicant may prepare an environmental assessment pursuant to 40 CFR 1506.5(b) for review and adoption by EPA, or the applicant may enter a third party contract as set forth in this section.

(b) *Environmental Review Procedure.* Except as provided in paragraph (c) of this section, environmental documents, including the EIS, where necessary, will be prepared utilizing the process set forth above. ERA, the applicant, and the independent third party, which could be a government-owned, contractor-operated National Laboratory or a private entity, shall enter into an agreement in which the applicant will engage and pay directly for the services of the qualified third party to prepare the necessary environmental documents. The agreement shall outline the responsibilities of each party and its relationship to the other two parties regarding the work to be done or supervised. ERA shall approve the information to be developed and supervise the gathering, analysis and presentation of the information. In addition, ERA will have the authority to approve and modify any statement, analysis, and conclusion contained in the environmental documents prepared by the third party. Before commencing preparation of the environmental document, the third party will execute an ERA-prepared disclosure document stating that it does not have any conflict of interest, financial or otherwise, in the outcome of either the environmental process or the Permit application.

(c) *Financial Hardship.* Whenever ERA determines that there is reason to believe it is in the public interest for the Federal government to bear all or a portion of the costs, ERA may waive the requirement set forth in paragraphs (a) and (b) of this section and perform the necessary environmental review, completely or in part, with its own resources.

(d) Prior to the preparation of any Presidential Permit application and environmental assessment, a potential applicant is encouraged to contact ERA and discuss the scope of the proposed project.

Alternative 2

§ 205.328 Environmental Requirements for Presidential Permits.

(a) *NEPA Compliance.* Except as provided in paragraph (b) of this section, applicants seeking Presidential Permits will be financially responsible for the expenses of any contractor chosen by ERA to prepare any necessary environmental document arising from ERA's obligation to comply with the National Environmental Policy Act of 1969 (NEPA) in issuing such Presidential Permits.

(1) ERA will determine whether an Environmental Import Statement (EIS) or an Environmental Assessment (EA) is required within 45 days of receipt of the Presidential Permit application and the environmental information submitted pursuant to 10 CFR 205.322(c) and (d). ERA will use the environmental information as the basis for making this determination. ERA also may use other information which the applicant may not have.

(2) If an EIS is required, ERA will notify the applicant within 90 days after the submission of the application and environmental information of the fee for completing the EIS. The fee shall be based on the expenses incurred by DOE in choosing a contractor to prepare the EIS and the fee charged to ERA by the contractor. DOE employee salaries and other fixed costs, as set forth in OMB Circular A-25, shall not be included in the applicant's fee. Fee payment shall be by check, draft, or money order payable to the Treasurer of the United States, and shall be submitted to ERA. Upon submission of the environmental fee, ERA will provide the applicant a tentative schedule of completion of the EIS.

(3) If an EA is determined to be necessary, the applicant may prepare an environmental assessment pursuant to 40 CFR 1506.5(b) for review and adoption by ERA, or the applicant may choose to have ERA prepare the EA pursuant to the fee arrangement set forth above.

(4) The NEPA process must be completed and approved before ERA will issue a Presidential Permit.

(b) *Financial Hardship.* Whenever ERA determines that there is reason to believe that it is in the public interest for the Federal government to bear all or a portion of the costs associated with the environmental process, ERA may waive the requirement set forth in paragraph (a) of this section and perform the necessary environmental review in part or completely with its own resources.

(c) Prior to the preparation of any Presidential Permit application, a potential applicant is encouraged to contact ERA and discuss the scope of the proposed project.

[FR Doc. 83-6821 Filed 3-15-83; 8:45 am]

BILLING CODE 6450-01-M

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10 CFR Part 625

Sale of Strategic Petroleum Reserve Petroleum

AGENCY: Procurement and Assistance Management Directorate, Assistant Secretary for Management and Administration, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) proposes to adopt a rule governing price competitive sales of petroleum from the Strategic Petroleum

Reserve (SPR) in the event that the SPR is drawn down to respond to a severe energy supply interruption or to meet obligations of the United States under the International Energy Program. DOE is proposing to adopt a rule that will establish a framework for conducting the price competitive sale of the petroleum and for entering into contracts with those offerors who are awarded contracts for the purchase of SPR petroleum.

DOE solicits written comments with respect to this proposal.

DATE: Comments by May 2, 1983.

ADDRESSES: Send comments to: Lynn Warner, MA-963.1, Department of Energy, Room 1J-027, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Marcia L. Morris, MA-963.1, Procurement and Assistance Management Directorate, Department of Energy, Room 1J-027, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9073;

Fred A. Hutchinson, Strategic Petroleum Reserve, Environmental Protection, Safety and Emergency Preparedeness, Department of Energy, Room 3E-042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-4734;

E. Grant Garrison, Office of General Counsel, Department of Energy, Room 6A-141, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION:

I. Background

A. Legislative Background

The Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, 42 U.S.C. 6201 *et seq.*, signed into law on December 22, 1975, authorized the creation of the SPR. The objective of the SPR is to provide for the storage of substantial quantities of petroleum in order to diminish U.S. vulnerability to the effects of a severe energy supply interruption, and to facilitate carrying out U.S. obligations under the Agreement on an International Energy Program.

An SPR Plan, which includes detailed proposals for development of the SPR, was transmitted to the Congress as Energy Action No. 10 on February 16, 1977, and became effective on April 18, 1977. Subsequently, to accelerate the development schedule, Plan Amendment No. 1 was transmitted to the Congress by the Federal Energy Administration (FEA), a predecessor agency of the Department of Energy, as Energy Action No. 12 on May 15, 1977, and became effective on June 20, 1977. Plan Amendment No. 2, which authorized expansion of the SPR to one billion barrels, was transmitted to the Congress by the DOE as Energy Action DOE No. 2 on May 18, 1978, and became effective on June 13, 1978. Plan Amendment No. 3, setting forth the method of withdrawal and distribution of the SPR oil, was transmitted to the Congress as Energy Action DOE No. 5 on October 21, 1979, and became effective on November 15, 1979.

In the Energy Emergency Preparedness Act of 1982 (EEPA), Pub. L. 97-229, Congress required that a new "Drawdown" (distribution) Plan replacing SPR Plan Amendment No. 3 be transmitted to the Congress; it provided that this amendment would take effect on the date transmitted, without Congressional review. The Plan was transmitted to Congress on December 1, 1982, and took effect on that date. The purpose of this rulemaking proceeding is to provide a framework for implementing policies and procedures set out in the new SPR Distribution Plan.

Section 161(d) of the EPCA stipulates that drawdown and disbribution of the SPR may not be made unless the President finds that such actions are "required by a severe energy supply interruption or by obligations of the United States under the international energy program." A severe energy supply interruption is defined in section 3(8) of the EPCA as a national energy supply shortage which the President determines:

(A) Is, or is likely to be, of significant scope and duration, and of an emergency nature;

(B) May cause major adverse impact on national safety or the national economy; and

(C) Results, or is likely to result, from an interruption in the supply of imported petroleum products, or from sabotage or an act of God.

The International Energy Program referred to in section 161(d) is the Agreement on an International Energy Program (IEP) signed by the United States on November 18, 1974. This Agreement authorizes, under specific conditions, an emergency program among participating countries pursuant to which member countries would share the world-wide crude oil supplies available to them. The existence of IEP obligations can serve as a basis for authorizing an SPR drawdown. However, there is no requirement that the SPR be drawn down and used to satisfy these obligations.

Section 161(b) provides that "no drawdown and distribution of the Reserve may be made except in accordance with the provisions of the Distribution Plan contained in the Strategic Petroleum Reserve Plan which has taken effect pursuant to section 159(a)."

B. Regulatory Background

The previous SPR Distribution Plan, Plan Amendment No. 3, contained a number of alternative distribution methods which relied upon the Secretary's rulemaking authority under section 161(e) of EPCA. To establish the regulatory framework for such distribution methods, DOE in 1980 adopted 10 CFR Part 220 as well as conforming amendments to its Standby Mandatory Crude Oil Allocation Program and Buy/Sell Program. Part 220 limited the distributions of SPR oil to refiners and established three regulatory mechanisms for allocating SPR oil.

Under the original Part 220, the allocation alternatives available to the Secretary were: First, allocations of SPR crude oil to small refiners under the Buy/Sell Program in such amounts as the Secretary deemed appropriate; second, allocation under the Standby Mandatory Crude Oil Allocation Program, which intself contained several allocation alternatives; and third, allocation of SPR crude oil outside of these programs in such manner as the Secretary determined to be necessary to attain the objectives of the Emergency Petroleum Allocation Act.

Part 220 also established procedures for the conduct of sales, consisting of four basic steps. The first step was the acceptance by refiners of the Sales Agreement which was to set forth the most fundamental provisions of a contract of sale. The second step, upon a Presidential decision to draw down the SPR, was the issuance of the Notice of Sale. In addition to specifying the quantity and quality of crude oil available for sale, the location of the oil and the date and time for submission of offers, the Notice of Sale was to set forth any limitations on the eligibility of refiners to participate in that sale. For example, Part 220 permitted the Secretary to limit the sale to refiners assigned an allocation on the buy/sell list, or refiners capable of supplying a particular product to a particular region. The third step was the evaluation of offers; the fourth, award of contracts.

For crude oil allocated under Part 220, a framework for setting a price was adopted. DOE was to establish a price for its high sulfur and low sulfur crudes with provisions for adjustment for gravity and sulfur content. The price was not to be significantly higher or lower than the highest and lowest prices respectively, in comparable sales of allocated crude oil occurring in the month of sale. In determining prices DOE was to consider (1) the weighted average per barrel landed cost of all crude oil delivered to refiners in the month of sale, (2) data reported to DOE on transactions between affiliated and non-affiliated entities and (3) such other data as DOE considered appropriate.

On January 28, 1981, President Reagan issued Executive Order No. 17287, eliminating the existing regulatory programs to which the original Part 220 related. Part 220 was amended on March 30, 1981, to delete all references to the Buy/Sell Program and eliminate use of that program as a means for distributing SPR oil. No further changes have been adopted to Part 220; however, in accordance with the new Distribution Plan, those regulations will be reviewed and revised to conform to the new Distribution Plan which relies primarily on price competitive sales for distributing SPR petroleum.

Part 220 was adopted under authority of § 161(e) of the EPCA which authorized the Secretary to provide by rule for the allocation of SPR petroleum. The proposed rule is to be adopted under the general authority of the Secretary to promulgate rules to the extent necessary to implement the SPR Plan. The proposed rule will cover all price competitive sales of SPR petroleum. Part 220 will continue to cover only the allocation of SPR petroleum in accordance with the new Distribution Plan.

C. SPR Facilities

The SPR is being developed in three phases, each of which increases the program's overall storage capacity and drawdown capability. As of March 1, 1983, over 300 million barrels of oil were in storage in the SPR; virtually the entire permanent storage capacity currently available is filled with oil.

Phase I consisted of the development of five underground oil storage facilities, with a capacity of approximately 250 million barrels, and a marine terminal. The Phase I facilities are oil storage sites at Bryan Mound in Texas and Bayou Choctaw, West Hackberry, Sulphur Mines and Weeks Island in Louisiana, and the Department of Energy's marine terminal at St. James in Louisiana. Four of these storage sites utilize existing solution-mined (leached) caverns; the fifth site is a conventional salt mine. Construction of Phase I facilities began in July 1977 and was completed in 1980.

Phase II is the ongoing expansion of three Phase I sites by 290 million barrels. The Bryan Mound site will be expanded by 120 million barrels and the West Hackberry site by 160 million barrels; an additional cavern, which has an existing capacity of 10 million barrels, is being acquired at Bayou Choctaw. Solution-mining of new caverns is under way at Bryan Mound, West Hackberry and Bayou Choctaw. Phase II development and fill are scheduled to be completed by 1988.

Phase III involves the further expansion of two existing SPR sites, and the planned development of a new site at Big Hill, Texas.

The SPR now has the capability to withdraw petroleum from its sites for distribution at a sustainable rate of 1.7 million barrels per day. Upon the completion of Phase II fill, distribution capability will increase to 3.5 million barrels per day. At a level of 750 million barrels SPR withdrawal capacity would be 4.5 million barrels per day.

II. Proposed Rule

The new SPR Distribution Plan provides that the principal method of distributing SPR oil will be price competitive sale. The Plan also provides that in any calendar month, the Secretary may direct the distribution of up to 10 percent of the volume of the SPR oil sold in that calendar month, in such manner as he determines at his discretion; the price of such oil shall be the average price of SPR oil sold at the most recent competitive sale. However, the proposed rule applies only to the sale of SPR oil through price competition. It adopts procedures governing the process by which DOE will conduct the price competitive sale of SPR oil during drawdown and distribution. The rule is adopted under the general authorization to the Secretary by the Department of Energy Organization Act, Pub. L. 95-91, 42 U.S.C. 7101 *et seq.*, and by EPCA to promulgate rules, regulations or orders necessary or appropriate to implement the SPR Plan.

It is critical to the early achievement of the SPR's desired sales and delivery schedules that the Government's contracting procedures for the sale of SPR oil be both flexible and expeditious. The purpose of the proposed rule is to facilitate the sales process, primarily by providing for the establishment of Standard Sales Provisions, containing contract clauses which, it is expected, will be contained in contracts for the sale of SPR petroleum.

Price competitive sale of SPR petroleum involves four basic steps: the issuance of the Standard Sales Provisions; the issuance of a Notice of Sale; the selection of the highest offers; and award of sales contracts. The Standard Sales Provisions are contract of sale terms and conditions to be developed in accordance with the proposed rule and published in the **Federal Register** as an appendix to the final rule. Notices of Sale will be issued after a Presidential decision to draw down the SPR; they will announce the amount, type and location of the SPR petroleum to be sold, the delivery period, and procedures for submitting bids, and provide other pertinent information. Award of contracts will be made to the offerors complying with the terms and conditions specified in the Notice of Sale as applying to that particular sale, and offering the highest prices.

The proposed rule would require the development and publication in the **Federal Register** of the Standard Sales Provisions containing contract clauses which the Notice of Sale may make applicable to particular price competitive sales of SPR petroleum. These provisions will include any contract clauses that are required by law, regulation, SPR programmatic considerations, or sound business practice. They also will include purchaser financial and performance responsibility measures or descriptions thereof. Such measures are intended to reduce the risk of purchases by persons who lack the capability or intent to take timely delivery of the SPR petroleum, or the financial ability to pay for it. It is DOE's intention to develop firm, binding guarantees of the offeror's full performance and payment under the contract, which each offeror would have to undertake before contract award. These measures would require tangible evidence of the offeror's ability to perform; examples include contractual clauses covering liquidated damages and the furnishing of letters of credit, or of payment and performance bonds. The Standard Sales Provisions differ from the Basic Sales Agreement used under the previous Distribution Plan in three ways: First, the Standard Sales Provisions place greater emphasis on purchaser financial and performance guarantees; second, they contain model contract terms and conditions that may be changed at the discretion of the Secretary by means of the Notice of Sale; finally, there will be no presigning of the Standard Sales Provisions.

The proposed rule provides that at his discretion, the Secretary or his designee may specify in the Notice of Sale, which of the terms and conditions in the Standard Sales Provisions would or would not apply to a particular sale. In the Notice of Sale the Secretary also may revise such terms and conditions, or add new ones which would apply to that particular sale, consistent with the SPR Distribution Plan adopted on December 1, 1982. Offerors, as part of their offers for SPR petroleum, would agree to all contractual provisions and financial and performance responsibility measures made applicable by the Notice of Sale, and comply with the responsibility measures in accordance with the Notice of Sale. The proposed rule provides that no contract may be awarded to an offeror who has not unconditionally agreed to all contractual provisions and responsibility measures made applicable by the Notice of Sale. It is expected that the terms and conditions set out in the Notice of Sale and the Standard Sales Provisions will not be part of the contract documents as such, but rather will be incorporated by reference, and the proposed rule so provides.

The proposed rule would require the publication of the Standard Sales Provisions in the **Federal Register** and in the Code of Federal Regulations as an appendix to the final rule. The proposed rule also provides for the periodic review and republication in the **Federal Register** of the Standard Sales Provisions, including any revisions. It is anticipated that the Notice of Sale will specify, by referencing the **Federal Register** and the Code of Federal Regulations in which the latest version of the Standard Sales Provisions were published, the contractual provisions contained or described therein that apply to that particular sale. To the extent practicable, public comment will be sought on terms, conditions and measures included in the Standard Sales Provisions.

Time may be of the essence in a severe energy supply interruption. Failure to achieve the SPR drawdown rate as determined by the President could lessen the effect of an SPR drawdown. Buyers who defaulted on their sales contracts could undermine achievement of the desired drawdown rate, with potentially adverse consequences for the national economy or the national safety. In order to assure that the drawdown objectives of the SPR are achieved and that only responsible offerors are awarded contracts, the proposed rule also would provide that the Secretary or his designee may exclude a firm from participating in any future sale of SPR petroleum when that firm had previously bid, was awarded a contract, and failed to take delivery of the petroleum in accordance with the terms of the contract. This exclusion would be in addition to any remedies for breach which may be provided for in the contract of sale. The ineligibility would not come into effect until after the firm had been given an opportunity to submit information or argument in opposition to the ineligibility. The Secretary or his designee must consider the firm's response, if any, before making the purchaser ineligible for future award of SPR sales contracts. The ineligibility shall continue for the legnth of time determined by the Secretary of his designee as appropriate under the circumstances. The purchaser shall be notified of the result of the ineligibility proceedings. The proposed rule provides that at his discretion, the Secretary or his designee may permit any such firm that petitions for reinstatement to participate in future SPR sales.

In addition to the remedies available to the Government under the contract and this rule, a purchaser who defaults on a contract also may be subject to debarment procedures under other applicable DOE regulations.

III. Public Comment on the Standard Sales Provisions

Prior to the close of the comment period for this proposed rule DOE expects to publish a draft of the Standard Sales Provisions in the **Federal Register** for written public comment. The public comment period will be forty-five days. After the close of the comment period, DOE will publish in the **Federal Register** the final version of the Standard Sales Provisions, a summary of the comments received and DOE's response to those comments. DOE believes that because of its reliance on private industry to move the SPR petroleum into commerce, public comment is essential to the development of effective, efficient procedures for the sale and delivery of the SPR petroleum.

IV. Comment Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting information, views, or arguments with respect to the proposed adoption of 10 CFR Part 625. Comments should be submitted no later than May 2, 1983, to the address indicated in the **"ADDRESSES"** section of this preamble and should be identified on the outside envelope and on the document with the designation: "Sale of Strategic Petroleum Reserve Petroleum". Ten copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room 1E–190, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

B. Public Hearing

DOE believes that the amendment proposed in this Notice presents no substantial issue of fact or law and is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Accordingly, DOE is not scheduling a public hearing as provided by section 501(c) of the Department of Energy Organization Act (DOE Act), Pub. L. 95–91, and the Administrative Procedure Act (5 U.S.C. 553). If a significant number of persons should request an opportunity for oral presentation of views, data and arguments, a public hearing could be held after public notice.

V. Other Matters

A. Section 404 of the DOE Act

Pursuant to the requirements of Section 404(a) of the Department of Energy Organization Act (DOE Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95–91, as amended), we are referring this rule to the Federal Energy Regulatory Commission (FERC) for a determination as to whether the proposed rule would significantly affect any matter within the Commission's jurisdiction. The Commission has until the close of the public comment period to make that determination.

B. Section 7 of the FEA Act

Under section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 787, *et seq.*, Pub. L. 93–275, as amended), the requirements of which remain in effect under section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the administrator of the Environmental Protection Agency (EPA) may provide written comments

concerning the impact of such rules, regulations, or policies on the quality of the environment. Such comments shall be published together with publication of notice of the proposed action.

A copy of this proposed rulemaking, including this determination that the Secretary does not see the proposed rule as having unfavorable impacts on the quality of the environment beyond those addressed in the Environmental Impact Statements prepared to date on the SPR, was sent to the EPA. The EPA Administrator has reserved the right to make additional comments in accordance with the EPA's duties and responsibilities under section 309 of the Clean Air Act.

C. Executive Order 12291

Section 3 of Executive Order (E.O.) 12291 (46 FR 13193, February 19, 1981) requires that DOE determine whether a proposed rule is a "major rule", as defined by section 1(b) of E.O. 12291, and prepare a regulatory impact analysis for each major rule. A "major rule" is defined in E.O. 12291 as one likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local 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 rule is essentially of an administrative nature and is not expected to impact upon the prices received for the SPR petroleum or impose additional costs on firms offering to buy the SPR petroleum. Thus the annual effect of the rule on the economy will be minimal. Furthermore, the proposed rule does not affect the prices to be charged for the SPR petroleum, because under the SPR Distribution Plan those prices are required to be set by price competitive sales. Accordingly there will be no major increases in costs or prices as a result of this proposed rule.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 Pub. L. 96-354, (5 U.S.C. 601-612) requires, in part, that an agency prepare an initial regulatory flexibility analysis for any proposed rule, unless it determines that the rule will not have a "significant economic impact" on a substantial number of small entities. The propose rule, which is administrative in nature, does not impose any additional burden on small entities but rather only sets forth the contracting procedures for the sale of the SPR petroleum which the SPR Distribution Plan requires to be made by competitive sales. Accordingly, DOE does not believe the proposed rule has significant impact on small entities, and as required by section 605(b), DOE certifies that the amendment will not have a significant economic impact on a substantial number of small entities.

E. Environmental Review

DOE has determined that the proposed amendment, which is essentially administrative in nature, clearly is not a major federal action with significant environmental impact. Consequently, the proposed amendment does not require preparation of an Environmental Assessment or Environmental Impact Statement under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 431 *et seq.*

(Federal Energy Administration Act of 1974, Pub. L. 93-275; Department of Energy Organization Act, Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163)

List of Subjects in 10 CFR Part 625

Strategic petroleum reserve, Drawdown sales.

In consideration of the foregoing, Chapter II, Title 10 of the Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington, D.C. March 8, 1983.

Hiliary J. Rauch,

Director, Procurement and Assistance Management Directorate.

Part 625 is proposed to be added to 10 CFR Chapter II to read as follows:

PART 625—PRICE COMPETITIVE SALE OF STRATEGIC PETROLEUM RESERVE PETROLEUM

Sec.

Authority: Federal Energy Administration Act of 1974, Pub. L. 93-275; Department of Energy Organization Act, Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163.

§ 625.1 Application and purpose.

This part shall apply to all price competitive sales of SPR petroleum by DOE. Timely drawndown of the SPR requires preannouncement, to the extent practicable, of contract terms and conditions applicable to price competitive sales of SPR petroleum. This section provides the rules for developing standard contract terms and conditions and financial and performance responsibility measures; notifying potential purchasers of those terms, conditions and measures; choosing applicable terms, conditions and measures for each sale of SPR petroleum; and notifying potential purchasers of which terms, conditions and measures will be applicable to particular sales of SPR petroleum.

§ 625.2 Definitions.

(a) *DOE.* DOE means the Department of Energy established by Pub. L. 95-91 (42 U.S.C. 7101 *et seq.*) and any component thereof.

(b) *Notice of Sale.* The Notice of Sale is the document announcing the sale of SPR petroleum, the amount, type and location of the SPR petroleum being sold, the delivery period and the procedures for submitting bid; specifying which previously published contractual provisions or financial and performance responsibility measures are applicable to that particular sale of SPR petroleum; and providing other information, terms, conditions or measures pertinent to a particular sale.

(c) *Price Competitive Sale.* A price competitive sale of SPR petroleum is one in which contract awards are made to those responsive, responsible persons offering the highest prices; sales conducted pursuant to rules adopted under section 161(e) of the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163 (42 U.S.C. 6201 *et seq.*), are not price competitive sales.

(d) *Purchaser.* A purchaser is any person (including a Government agency) who submits a successful offer for SPR petroleum, agrees to requirements imposed by this rule and the Notice of Sale, and enters into a contract with DOE to purchase SPR petroleum.

(e) *SPR.* SPR means the Strategic Petroleum Reserve, established by Title I, Part B of EPCA.

(f) *SPR Petroleum.* SPR petroleum means crude oil, residual fuel oil or any refined petroleum product (including any natural gas liquid and any natural gas liquid product) owned or contracted for by DOE and in storage in any permanent SPR facility, or temporarily stored in other storage facilities, or in transit to such facilities (including petroleum under contract but not yet delivered to a loading terminal).

(g) *Standard Sales Provisions.* The Standard Sales Provisions contain or describe contract clauses, terms and

conditions of sale, and financial and performance responsibility measures, which may be applicable to the sale of SPR petroleum under this Part.

§ 625.3 Standard sales provisions.

(a) *Contents.* The Standard Sales Provisions shall contain contract clauses which may be applicable to price competitive sales of SPR petroleum, including terms and conditions of sale, and purchaser financial and performance responsibility measures, or descriptions thereof. At his discretion, the Secretary or his designee may specify in a Notice of Sale which of such terms and conditions, or financial and performance responsibility measures, shall apply to a particular sale of SPR petroleum; and, he may specify any revisions in such terms, conditions and measures, and any additional terms, conditions and measures which shall be applicable to that sale, that are consistent with the SPR Drawdown Plan adopted on December 1, 1982.

(b) *Acceptance by Offerors.* All offerors must, as part of their offers for SPR petroleum in response to a Notice of Sale, agree without exception to all contractual provisions and financial and performance responsibility measures which the Notice of Sale makes applicable to the particular sale.

(c) *Award of Contracts.* No contract for the sale of SPR petroleum may be awarded to any offeror who has not unconditionally agreed to all contractual provisions and financial and performance responsibility measures which the Notice of Sale makes applicable to the particular sale.

(d) *Contract Documents.* The terms and conditions which the Notice of Sale makes applicable to a particular sale may be incorporated into a contract for the sale of SPR petroleum by reference to the Notice of Sale.

§ 625.4 Publication of the standard sales provision.

(a) *Publication.* The Standard Sales Provisions shall be published in the **Federal Register** and in the Code of Federal Regulations as an appendix to this rule.

(b) *Revisions of the Standard Sales Provisions.* The Standard Sales Provisions shall be reviewed periodically and republished in the **Federal Register**, with any revisions.

(c) *Notification of Applicable Clauses.* The Notice of Sale will specify, by referencing the **Federal Register** and the Code of Federal Regulations in which the latest version of the Standard Sales Provisions was published, which contractual terms and conditions and contractor financial and performance responsibility measures contained or described therein are applicable to that particular sale.

§ 625.5 Failure to perform in accordance with SPR contracts of sale.

(a) *Ineligibility.* In addition to any remedies available to the Government under the Contract of Sale, in the event that a purchaser fails to perform in accordance with applicable SPR petroleum sale contractual provisions, and such failure is not excused by those provisions, the Sectretary or his designee, at his descretion, may make such purchaser ineligible for future awards of SPR petroleum sales contracts.

(b) *Determination of Ineligibility.* No purchaser shall be made ineligible for the award of any SPR sales contract prior to notice and opportunity to respond in accordance with the requirements of this subsection.

(1) Upon the determination that a purchaser is to be considered for ineligibility, the purchaser shall be sent by certified mail return receipt requested, the following:

(i) Notification that the Secretary or his designee is considering making the purchaser ineligible for future awards;

(ii) Identification of the SPR sales contract which the purchaser failed to comply with, along with a brief description of the events and circumstances relating to such failure;

(iii) Advice that the purchaser may submit in writing for consideration by the Secretary or his designee in determining whether or not to impose ineligibility on the purchaser, any information or argument in opposition to the ineligibility; and

(iv) Advice that such information or argument in opposition to the ineligibility must be submitted within a certain time in order to be considered by the Secretary or his designee, such time to be not less than 21 days.

(2) After the elapse of the time period established under section (1) for receipt of the purchaser's response, the Secretary or his designee, at his discretion, and after consideration of the purchaser's written response, if any, may make the purchaser ineligible for future awards of SPR petroleum sales contracts. Such ineligibility shall continue for the time period determined by the Secretary or his designee, as appropriate under the circumstances.

(3) The purchaser shall be notified of the Secretary's decision.

(c) *Reconsideration.* Any purchaser who has been excluded from participating in any SPR sale under (a) may request that the Secretary reconsider the purchaser's ineligibility. The Secretary or his designee, at his discretion, may reinstate any such purchaser to eligibility for future competitive sales.

[FR Doc. 83-6368 Filed 3-15-83; 8:45 am]
BILLING CODE 6450-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 700

Definitions; Limited Income Credit Unions

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Credit Union Act authorizes Federal credit unions serving predominantly low income members, as defined by the NCUA Board, to accept insured share accounts from nonmembers. The NCUA Board proposes to amend its definition of low income credit unions to include those serving predominantly students. This will enable such credit unions to accept insured share accounts from alumni, alumni organizations, philanthropic organizations and others.

DATE: Comments must be received on or before April 11, 1983.

ADDRESS: Send coments to Secretary, NCUA Board, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Harry Blaisdell, Director, Department of Administration, at the above address or telephone (202) 357–1055.

SUPPLEMENTARY INFORMATION: Federal credit unions "serving predominantly low income members", as that phrase is defined by the NCUA Board, are authorized pursuant to section 107(6) of the Federal Credit Union Act (12 U.S.C. 1757(6)) to receive insured share, share draft and share certificate accounts from nonmembers.

Section 700.1(i) of NCUA's regulations (12 CFR 700.1(i)) defines "predominantly" to mean a simple majority. Section 700.1(h) defines "low income members" to include members below certain income levels published by the U.S. Department of Labor, certain members residing in public housing projects and members who qualify as

recipients in community action programs.

The NCUA Board now proposes to expand the latter definition to include credit union members who are students. This would enable credit unions serving predominantly students, e.g. credit unions sponsored by colleges or universities or student groups thereof, to receive insured accounts from individuals and organizations such as alumni, alumni groups, local corporations and philanthropic organizations. These funds would in turn be used for purposes such as student loans for books, tuition and housing.

The NCUA Board requests comments on whether the proposal is generally advisable, whether any limits should be placed on the action by defining the term "student" or otherwise, and on any other issues relevant to the proposal.

Regulatory Flexibility Act

The NCUA Board has determined that the proposed action would not have a significant economic effect on a substantial number of small credit unions, and therefore a regulatory flexibility analysis has not been prepared in connection with the proposal.

(12 U.S.C. 1752(5), 1757(6), 1766(a))

List of Subjects in 12 CFR Part 700

Credit unions.

Accordingly, the Board requests comments as described above. Comments must be received on or before April 11, 1983.

Dated: February 9, 1983.

Rosemary Brady,

Secretary to the NCUA Board.

[FR Doc. 83-6579 Filed 3-15-83; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 886

Abandoned Mine Land Program; Grants—Administrative Procedures

Correction

In FR Doc. 83-5463, beginning on page 9307, in the issue of Friday, March 4, 1983, in the third column under the "DATES" heading, correct "April 14, 1983" to read "April 4, 1983".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[A-3-FRL 2322-1]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Pennsylvania Department of Environmental Resources to Philadelphia Textile Finishers, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing to approve an administrative order issued by the Pennsylvania Department of Environmental Resources to Philadelphia Textile Finishers, Inc. The order requires the company to bring air emissions from its fabric coating facility in Norristown, Pennsylvania into compliance with certain regulations contained in the federally approved Pennsylvania State Implementation Plan (SIP) by October 31, 1983. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order pursuant to the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invited public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Writen comments must be received on or before April 15, 1983.

ADDRESSES: Comments should be submitted to Director, Air & Waste Management Division, EPA Region III, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Ben Mykijewycz, Environmental Engineer, Air & RCRA Compliance Section, Air & Waste Management Division, U.S. EPA Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone: (215) 597-9387.

SUPPLEMENTARY INFORMATION: Philadelphia Textile Finishers, Inc. operates, among other processes, two fabric coating lines at its plant in Norristown, Pennsylvania. The order under consideration addresses emissions from the surface coating processes, listed above, which are subject to § 129.52 of Title 25 of the Pennsylvania Code. The regulation limits the emissions of volatile organic compounds (VOC), and is part of the federally approved Pennsylvania State Implementation Plan. The order requires final compliance with the regulation by October 31, 1983 through the use of low solvent coatings.

Because this order has been issued to a major source of VOC emissions and premits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113 (d) of the Clean Air Act (the Act). EPA has reviewed the order and has found that the order does satisfy the requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Pennsylvania SIP. However, source compliance with the order will not preclude assessment of any noncompliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120(a)(2)(B) or (C).

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the order in 40 CFR Part 65.

List of Subjects in 40 CFR Part 65

Air pollution control.

(42 U.S.C. 7413, 7601)

Dated: March 2, 1983.

Peter N. Bibko,

Regional Administrator, Region III.

[FR Doc. 83-6647 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 65

[A-3-FRL-2322-3]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Proposed Approval of an Administrative Order Issued by Pennsylvania Department of Environmental Resources to All-Steel, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking; invitation for public comment.

SUMMARY: EPA has proposed to approve an administrative order issued by the Pennsylvania Department of Environmental Resources to All-Steel, Inc. The order requires the company to bring air emissions from its metal furniture coating facility in Hazle Township, Pennsylvania into compliance with certain regulations contained in the federally approved Pennsylvania State Implementation Plan (SIP) by December 30, 1983. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order pursuant to the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before April 15, 1983.

ADDRESSES: Comments should be submitted to Director, Air & Waste Management Division, EPA Region III, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Joseph S. Arena, Environmental Scientist, Air & RCRA Compliance Section, Air & Waste Management Division, U.S. EPA Region III, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone: (215) 597–4561.

SUPPLEMENTARY INFORMATION: All-Steel, Inc. operates a metal furniture coating facility at Hazle Township, Pennsylvania. The order under consideration addresses emissions from the surface coating processes, listed above, which are subject to § 129.52 of Title 25 of the Pennsylvania Code. The regulation limits the emission of volatile organic compounds (VOC), and is part of the federally approved Pennsylvania State Implementation Plan. The order requires final compliance with the regulation by December 30, 1983 through the use of low solvent coatings.

Because this order has been issued to a major source of VOC emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA has reviewed the order and has found that the order does satisfy the requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Pennsylvania SIP. However, source compliance with the order will not preclude assessment of any noncompliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120(a)(2)(B) or (C).

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the order in 40 CFR Part 65.

List of Subjects in 40 CFR Part 65

Air pollution control.

(42 U.S.C. 7413, 7601)

Dated: March 2, 1983.

Peter N. Bibko,

Regional Administrator Region III.

[FR Doc. 83-6805 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2653/P287; PH-FRL 2321-1]

Cyano(3-Phenoxyphenyl)Methyl 4-Chloro-Alpha-(1-Methylethyl)Benzeneacetate; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that tolerances be established for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodities eggplant and peppers. The proposed regulation to establish maximum permissible levels for residues of the insecticide in or on the commodities was requested in a petition by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before March 31, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 2E2653 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Florida, Massachusetts, Maryland, New Jersey and Puerto Rico.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodities eggplant and peppers at 1.0 ppm.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances included an acute oral rat toxicity study with a median lethal dose (LD_{50}) of 1–3 grams(g)/

kilogram(kg) of body weight (bw) (water vehicle) and 450 milligrams (mg)/kg of bw (dimethyl sulfoxide (DMSO) vehicles); a 90-day dog feeding study with a no-observed-effect level (NOEL) of 500 ppm (12.5 mg/kg, highest dose tested); a 90-day rat feeding study with a NOEL of 125 ppm (6.25mg/kg); an 18-month mouse feeding study with a NOEL of less than 100 ppm (15mg/kg) and with no oncogenic effects observed at the highest level fed (3,000 ppm); a 24-month mouse feeding study with a NOEL of 10–50 ppm (1.5–7.5 mg/kg) for males and 50–250 ppm for females (7.5–37.5 mg/kg) and (no oncogenic effects were noted at 1,250 ppm (187.5 mg/kg, the highest dose tested); a 24-month rat feeding study that demonstrated no oncogenic effects at 1,000 ppm (50 mg/kg, only level tested, significantly decreased body weight was observed at this dose level); a 2-year rat feeding study with a NOEL of 250 ppm (12.5 mg/kg, highest level fed), no oncogenic effects were observed; a three-generation rat reproduction study with a NOEL of 250 ppm (12.5 mg/kg, highest level fed); teratology studies (in mice and rabbits), each negative at 50 mg/kg/day (highest dose tested); and the following mutagenicity studies: mouse dominat lethal (negative at 100 mg/kg of bw, which was the highest level fed); mouse host-mediated bioassay (negative at 50 mg/kg of bw, which was the highest level fed); Ames test *in vitro* (negative), and a bone marrow cytogenic study in the Chinese hamster (negative at 25 mg/kg of bw). The following studies assessing neurological effects were performed: A hen study negative at 1.0 g/kg of bw for 5 days, repeated at 21 days; a rat (8-day) acute study with a NOEL of 200 mg/kg of bw; a 15-month rat feeding study which resulted in a systemic NOEL of 500 ppm (25 mg/kg) and a NOEL of 1,500 ppm (75 mg/kg) with respect to nerve damage.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (NOEL of 12.5 mg/kg, or 250 ppm) and using a 100-fold safety factor, is calculated to be 0.1250 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 7.5 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.6284 mg/day; the current action will increase the TMRC by 0.00229 mg/day (0.36 percent). Published tolerances utilize 8.38 percent of the ADI; the current action will utilize an additional 0.03 percent.

The nature of the residues is adequately understood and an adequate analytical method, electron-capture gas chromatography, is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency and the fact that there are no animal feed items involved, there will be no secondary residues in meat, milk, poultry or eggs; the tolerances established by amending 40 CFR 180.379 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 15 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. As provided for in the Administrative Procedure Act (5 U.S.C. 553(d)(3)), the comment period time is shortened to less than 30 days because of the necessity to expeditiously provide additional means for control of Colorado potato beetles which severely infest eggplant crops during the spring and summer growing season. Comments must bear a notation indicating the document control number, (PP 2E2653/P287). All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 4, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.379 be amended by adding and alphabetically inserting the raw agricultural commodities eggplant and peppers to read as follows:

§ 180.379 Cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)-benzeneacetate; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Eggplant	1.0
* * * * *	
Peppers	1.0
* * * * *	

[FR Doc. 83-6617 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2760/P283 PH-FRL 2321-2]

1-Naphthaleneacetic Acid; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the plant growth regulator 1-naphthaleneacetic acid (NAA) in or on the raw agricultural commodity sweet cherries. The proposed regulation to establish a maximum permissible level for residues of NAA in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before April 15, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192) at the address given above.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2760 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Oregon and Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the plant growth regulator 1-naphthaleneacetic acid (NAA) in or on the raw agricultural commodity sweet cherries at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance were a 90-day rat feeding studying with a no-observed-effect level (NOEL) of 150 mg/kg/day; a 3-generation mouse reproduction study with no effect on reproductive performance up to 86 ppm; and a 6-month oral (capsule) study in dogs with a NOEL of 50 mg/kg/day. A teratology study is currently lacking but in progress. Although most chronic studies are lacking, they are considered necessary to support this use since the Agency has concluded that the amount of NAA added to the diet from the proposed use will not significantly increase dietary exposure in humans. Thus the tolerance that will be established by this proposed rule is considered to pose a negligible increment in risk.

The provisional acceptable daily intake (PADI), based on the 6-month dog feeding study (NOEL of 50.0 mg/kg/day) and using a 1,000-fold safety factor, is calculated to be 0.050 ma/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-Kg human is calculated to be 3.00 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.0458 mg/day; the current action will increase the TMRC by 0.00015 mg/day (0.4 percent). Published tolerances and this proposed action utilize 1.53 percent of the ADI.

The nature of the residues is adequately understood and adequate analytical method, gas-liquid chromatography-mass spectrometry, is available for enforcement purposes. Because no animal feed items are involved, no secondary residues in meat, milk, poultry, or eggs are expected. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.155 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 2E2760/P283]. All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 4, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.155(a) be amended by adding and alphabetically inserting the raw agricultural commodity sweet cherries to read as follows:

§ 180.155 1-Naphthaleneacetic acid; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Cherries, sweet	0.1
* * * * *	

[FR Doc. 83-6616 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2654/P289; PH-FRL 2321-3]

Inorganic Bromides; Resulting From Fumigation With Methyl Bromide; Proposed Toleranace

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of inorganic bromides, resulting from post-harvest fumigation with the pesticide methyl bromide, in or on the raw agricultural commodity strawberries. The proposed regulation to establish a maximum permissible level for residues of inorganic bromides in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before April 15, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2654 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose: (1) Amending the existing tolerance in 40 CFR 180.123 for residues of inorganic bromides (resulting from fumigation with the pesticide methyl bromide) in or on the raw agricultural commodity

strawberries to reflect a post-harvest fumigation use as well as the current pre-harvest use, and (2) increasing the existing tolerance for inorganic bromides in or on strawberries (from use before harvest) from 30 parts per million (ppm) to 60 ppm.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include three studies which have been classified as supplemental: a 20-month rat feeding study with a no-observed-effect level (NOEL) of 235 ppm; a 52-week rabbit feeding study with an NOEL of 90 ppm; and a 1-year dog feeding study with an NOEL of 2,900 ppm. Also considered were long-term clinical studies of inorganic bromides in man, deemed highly significant and of sufficient quality to support tolerances in raw agricultural commodities. Agricultural tolerances for residues of inorganic bromides resulting from post-harvest commodity fumigation with methyl bromide have previously been established on various commodities at levels ranging from 5 ppm to 240 ppm.

Tolerances already exist for residues of inorganic bromides in strawberries at 25 ppm resulting from soil fumigation with combinations of methyl bromide, chloropicrin, and propargyl bromide (40 CFR 180.199) and at 30 ppm resulting from fumigation with methyl bromide before harvest.

The acceptance daily intake (ADI), based on studies of systemic effects in humans and using a 10-fold safety factor, is calculated to be 60 mg/kg of body weight (bw)/day, calculated as the bromide ion. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 600 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is currently estimated to be 125 mg/day. This does not take into account inorganic bromides in milk, eggs, meat and poultry resulting from ingestion of "background" inorganic bromides which are ubiquitous in nature, especially in milk. The current action will increase the TMRC by 0.081 mg/day (0.07 percent); the incremental exposure to potential residues of inorganic bromides resulting from the proposed use is considered to be toxicologically insignificant. The calculated amount of methyl bromide *per se* resulting from the proposed use is extremely small, equivalent to 0.126 ppb in the diet, and not considered to be toxicologically significant. Therefore, a separate tolerance for residues of methyl bromide *per se* will be unnecessary.

The nature of the residues is adequately understood. Inorganic bromides comprise the major part of the residue on strawberries; methyl bromide is present as a residue at less than 0.1 ppm on strawberries under the proposed conditions of use. Adequate analytical methods, gas-liquid chromatography with an electron-capture detector, direct potentiometry using a solid-state bromide electrode, and oxidation/titration, are availabe for enforcement purposes. Because there are no animal feed items involved, there will be no problem of secondary residues in meat, milk, poultry, and eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.123 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number (PP 2E2654/P289). All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 4, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.123 be revised to read as follows:

§ 180.123 Inorganic bromides resulting from fumigation with methyl bromide; tolerances for residues.

Tolerances are established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodities which have been fumigated with the antimicrobial agent and insecticide methyl bromide after harvest (with the exception of strawberries):

Commodities	Parts per million
Alfalfa, hay (Post-H)	50.0
Almonds (Post-H)	200.0
Apples (Post-H)	5.0
Apricots (Post-H)	20.0
Artichokes, Jerusalem (Post-H)	30.0
Asparagus (Post-H)	100.0
Avocados (Post-H)	75.0
Barley (Post-H)	50.0
Beans (Post-H)	50.0
Beans, green (Post-H)	50.0
Beans, lima (Post-H)	50.0
Beans, snap (Post-H)	50.0
Beets, garden, roots (Post-H)	30.0
Beets, sugar, roots (Post-H)	30.0
Brazil nuts (Post-H)	200.0
Bush nuts (Post-H)	200.0
Butternuts (Post-H)	200.0
Cabbage (Post-H)	50.0
Cantaloupes (Post-H)	20.0
Carrots (Post-H)	30.0
Cashews (Post-H)	200.0
Cherries (Post-H)	20.0
Chestnuts (Post-H)	200.0
Cippolini, bulbs (Post-H)	50.0
Citrus citron (Post-H)	30.0
Cocoa beans (Post-H)	50.0
Coffee beans (Post-H)	75.0
Copra (Post-H)	100.0
Corn (Post-H)	50.0
Corn (pop) (Post-H)	240.0
Corn, sweet (K+CWHR) (Post-H)	50.0
Cottonseed (Post-H)	200.0
Cucumbers (Post-H)	30.0
Cumin, seed (Post-H)	100.0
Eggplants (Post-H)	20.0
Filberts (Hazelnuts) (Post-H)	200.0
Garlic (Post-H)	50.0
Ginger, roots (Post-H)	100.0
Grapefruit (Post-H)	30.0
Grapes (Post-H)	20.0
Hickory nuts (Post-H)	200.0
Honeydew melons (Post-H)	20.0
Horseradish (Post-H)	30.0
Kumquats (Post-H)	30.0
Lemons (Post-H)	30.0
Limes (Post-H)	30.0
Mangoes (Post-H)	20.0
Muskmelons (Post-H)	20.0
Nectarines (Post-H)	20.0
Oats (Post-H)	50.0
Okra (Post-H)	30.0
Onions (Post-H)	20.0
Oranges (Post-H)	30.0
Papayas (Post-H)	20.0
Parsnips, roots (Post-H)	30.0

Commodities	Parts per million
Peaches (Post-H)	20.0
Peanuts (Post-H)	200.0
Pears (Post-H)	5.0
Peas (Post-H)	50.0
Peas, blackeyed (Post-H)	50.0
Pecans (Post-H)	200.0
Peppers (Post-H)	30.0
Pimentos (Post-H)	30.0
Pineapples (Post-H)	20.0
Pistachio nuts (Post-H)	200.0
Plums (Post-H)	20.0
Pomegranates (Post-H)	100.0
Potatoes (Post-H)	75.0
Pumpkins (Post-H)	20.0
Quinces (Post-H)	5.0
Radishes (Post-H)	30.0
Rice (Post-H)	50.0
Rutabagas (Post-H)	30.0
Rye (Post-H)	50.0
Salsify, roots (Post-H)	30.0
Sorghum, grain (Post-H)	50.0
Soybeans (Post-H)	200.0
Squash, summer (Post-H)	30.0
Squash, winter (Post-H)	20.0
Squash, zucchini (Post-H)	20.0
Strawberries (Pre- and Post-H)	60.0
Sweet Potatoes (Post-H)	75.0
Tangerines (Post-H)	30.0
Timothy, hay (Post-H)	50.0
Tomatoes (Post-H)	20.0
Turnips, roots (Post-H)	30.0
Walnuts (Post-H)	200.0
Watermelons (Post-H)	20.0

[FR Doc. 83-6615 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 205

[Docket No. 205, Subpart C]

Disaster Assistance: Declaration Process

AGENCY: Federal Emergency Management Agency

ACTION: Notice of intent to modify rule.

SUMMARY: The regulations for the Declaration Process, 44 CFR Part 205, Subpart C, were published as an interim rule on December 13, 1982, (47 FR 55756) and became effective on January 12, 1983. It is anticipated that a final rule will be published later this year. Comments on the interim rule were solicited. A significant change is contemplated for the definition of *incident period* which is located at § 205.31(f). As stated in the interim rule the incident period limits eligible assistance under Pub. L. 93-288 to damages which occur during this time frame. Actually, the incident period is meant to reflect the time frame of the incident. Eligible assistance should be related to damage which resulted from the incident during the incident period. Thus, damages which occurred during the defined incident period as well as those damages which occurred afterwards but as a result of the incident during the time period would be eligible for assistance under Pub. L. 93-288. The Federal Emergency Management Agency intends to change the definition of *incident period* to reflect this. This change in definition should be taken into account by all interested parties during the comment period.

DATE: Comments by: March 31, 1983.

ADDRESS: Send comments to: Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Office of Disaster Assistance Programs (SLDA), Directorate of State and Local Programs and Support (SLPS), Federal Emergency Management Agency, Washington, D.C. 20472, telephone (202) 287-0501.

List of Subjects in 44 CFR Part 205

Community facilities, Disaster assistance, Grant programs, Housing and community development.

PART 205—[AMENDED]

It is proposed to revise § 205.31(f) *Incident period* to read as follows:

§ 205.31 Definitions.

* * * * *

(f) *Incident Period.* As determined at the discretion of the Associate Director, the time interval stated in the FEMA-State Agreement during which the incident occurs. The incident period for emergencies starts at 12:01 a.m., on the date of the emergency declaration by the President unless otherwise specified in the declaration document. No Federal assistance under Pub. L. 93-288 shall be approved unless the damage or hardship to be alleviated resulted from the incident which took place during the incident period.

Dated: March 3, 1983.

Dave McLoughlin,

Deputy Associate Director State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-6481 Filed 3-15-83; 8:45 am]

BILLING CODE 6718-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1310

[Ex Parte No. MC 77; (Sub-3)]

Elimination of Certificates as the Measure of "Holding Out"

AGENCY: Interstate Commerce Commission.

ACTION: Termination of proposed rulemaking proceeding.

SUMMARY: At 46 FR 8604, January 27, 1981, as amended at 46 FR 13751, February 24, 1981, the Commission proposed to re-examine the duty imposed on motor common carriers of property to provide transportation co-extensive with all points and services contained in their certificates of public convenience and necessity. In view of recent court decisions under the Motor Carrier Act of 1980 that recognize limitations on a common carrier's service obligation, we conclude that there is no need to address this matter at any length. Accordingly, this proceeding is terminated and the proposed rules withdrawn.

DATE: Effective: March 16, 1983.

FOR FURTHER INFORMATION CONTACT: Howell I. Sporn, (202) 275-7691

or

Suzanne Higgins, (202) 275-7181.

SUPPLEMENTARY INFORMATION: We instituted this proceeding on January 27, 1981, by the publication of a notice in the **Federal Register** stating our intention to re-examine the common carrier service obligation in the context of the new competitive environment and liberalized entry policies of the Motor Carrier Act of 1980, Pub. L. 96-296, 94 Stat. 793 ("1980 Act"). We noted that previously we had required common carriers or property to offer service "co-extensive with all points and services contained in their certificates of public convenience and necessity." We feared that under the policy of the 1980 Act favoring broad grants of authority, carriers might be deemed to violate their service obligation because of the breadth of points and services their certificates covered. We therefore proposed to permit carriers to define their service obligation more narrowly than the scope of their operating certificates.

In view of recent court decisions under the 1980 Act that recognize limitations on a common carriers' service obligation, we conclude that there is no need to address this matter in any length. These cases recognize that even in the context of liberal entry policies and broader operating certificates, a carrier only has the obligation to serve up to its capabilities and will not be deemed to violate its common carrier obligation if it does so non-discriminatorily.

Since the institution of this proceeding, the United States Court of Appeals has addressed this issue on two occasions. The court has stated that "[a] common carrier is free to carve out as large or as small a nitch as it feels apprpriate. ***[T]here is no requirement

[in the Motor Carrier Act] that the carrier be able, quantitatively, to perform all or any substantial part of the transportation in all covered areas [of the certificate]." *Steere Tank Lines, Inc.* v. *I.C.C.*, 675 F.2d 103, 105 (5th Cir. 1982) [citing *Michigan P.U.C.* v. *Duke*, 266 U.S. 570, 577 (1925)], and *J. H. Rose Truck Lines, Inc.* v. *I.C.C.*, 683 F.2d 943, 949 (5th Cir. 1982). We embrace this judicial pronouncement as as statement of Commission policy. A common carrier is not in violation of its obligations if it declines to provide servce within the scope of its operating authority because such service is economically or operationally impracticable in the circumstances at the time of the service request. To the extent that prior Commission decisions may have spoken of an absolute duty to provide service to the breadth of the operating certificate, those cases are overruled as inconsistent with law and policy.

It is ordered:

This proceeding is terminated and the rules proposed to be for Part 1310 are withdrawn.

This action is taken under the authority of the 49 U.S.C. 10101, 10321, 10762, 10922 and 11101, and 5 U.S.C. 553.

Decided: February 25, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Chairman Taylor conurred with a separate expression. Commissioner Gradison dissented with a separate expression.

Agatha L. Mergenovich,

Secretary.

Chairman Taylor, concurring:

While I agree with the majority that this proceeding should be terminated, I do not fully agree with the rationale of the decision.

The Commission instituted this proceeding to reexamine the traditional view of the common carrier obligation in light of the Motor Carrier Act of 1980. A review of the changes made by the 1980 Act and its legislative history, however, reveals that the various means of self-determined obligations suggested in this proceeding are clearly improper and should not be adopted.

The common carrier obligation is a principle rooted in the common law and was codified, with respect to motor carriers, in various provisions of the Motor Carrier Act of 1935. *See* 49 U.S.C. 10102(12), 10701, 10702, 10741, 10762, 10922, and 11101. Since passage of the 1935 Act, the Commission and the courts have consistently interpreted these sections of the Act as requiring motor common carriers fully to perform, upon reasonable request, the operations authorized in their certificates. *See, e.g., North Central Truck Lines, Inc.* v. *I.C.C.*, 559 F. 2d 802 (D.C. Cir. 1977); *National Furniture Traffic Conf.* v. Assoc. Truck, 332 I.C.C. 802 (1968), *aff'd sub nom. Associated Truck Lines, Inc.* v. *United States*, 304 F. Supp. 1094 (W.D. Mich. 1969), *aff'd per curium* 397 U.S. 42 (1970); *T.I.M.E.—DC., Inc.—Investigation—Revocation of Certs.*, 113 M.C.C. 897 (1971).

At the time the 1980 Act was enacted by Congress, it was common knowledge in the transportation industry that motor common carriers had an obligation to provide service, upon reasonable request, that is coextensive with the authority contained in their certificates. Congress was presumably aware of this duty when the new legislation was drafted. Therefore, if Congress had intended that the scope of the obligation be changed, it would have indicated such an intention in the legislative history or, more appropriately, it would have amended the pertinent provisions of the Act.

The 1980 Act, however, did not change any of the pertinent provisions which embody the preexisting common carrier obligation. Nor is it possible to glean any intent on the part of Congress to change the scope of the obligation from any of the revisions actually made. In fact, the legislative history of the 1980 Act clearly demonstrates that Congress specifically intended not to change the obligation.[1] In addition to the legislative history, there are other indications of Congress' concern, not only that the obligation be retained, but that it be effectively enforced. Section 28 of the 1980 Act reflects Congress' concern that adequate motor carrier service to rural areas and small communities be available and at a reasonable cost. H. Rept. 96-1069, 96th Cong., 2d sess., 41 (1980). Also, Section 22 of the 1980 Act adds a new subsection (b) to 49 U.S.C. 10705, which, for the first time, authorizes this Commission to require motor common carriers of property to establish through routes and joint rates between themselves and with water carriers.

Moreover, the common carrier obligation, as traditionally defined, is not inconsistent with the overall policy objectives of the 1980 Act, namely, to promote competitive and efficient transportation services. Congress sought to achieve these goals mainly through Sections 5 and 6 of the Act, which make it easier for new trucking companies to enter the market and for existing companies to expand their operations. The purpose of these Sections is to encourage carriers to file for new or additional authority to provide needed service and, in turn, to serve as a constructive stimulus to existing carriers to improve services and meet the changing requirements of shippers and receivers. H. Rept. 96-1069, 96th Cong., 2d sess., 14 (1980). Congress did not ease the entry standards merely to enable carriers to acquire operating authority which they have no intention of using. Rather, Congress eased these standards to enable carriers, in the exercise of their sound business judgment, to actually enter markets needing service and to actively compete in such markets.

In the notice institution this proceeding, the Commission posited a "Catch 22" situation which need not really have existed. If the Commission had issued certificates broader than an applicant's immediate and specific operational capabilities or planning, *but* still within the applicant's willingness to serve upon reasonable request, then there would have been no "Catch 22" or potential conflict with the applicant's common carrier obligation as traditionally defined.[2]

However, in lieu of adopting a policy of issuing an applicant reasonably broad authority commensurate with its desires, the Commission issued mandatory directives requiring applicants to accept prescribed minimum service authorizations. These coercively applied minimum service standards have resulted in the issuance of countless certificates authorizing service substantially broader than the applicant's stated willingness or ability to perform. *See, e.g.*, No. MC-143776 (Sub-No. 34), *C.D.B. Incorporated, Extension—Texas* (not printed) decided February 25, 1983.

Realizing the common carrier obligation could not be administratively abolished, yet recognizing that a carrier cannot be required to perform services in the future for which the carrier never really sought authority in the first instance, the Commission was caught on the horns of a dilemma. In order to reconcile the dilemma, the Commission instituted this proceeding to redefine the scope of the common carrier obligation by proposing various methods whereby the carrier itself would designate the scope of its own obligation. However, all of the various alternative measures of holding-out suggested by the Commission and the parties to this proceeding would, as a practical matter, totally emasculate the obligation.

Under these various systems of self-determined obligations, carriers would be permitted to pick and choose those members

[1] In commenting on the eased entry provisions of the Act, Representative Howard noted that:

[n]one of these provisions *eliminate* or *weaken* the carriers' obligation to perform the service they are authorized to perform under their certificates. [Emphasis added.] 126 Cong. Rec. H5343 (1980).

In addressing a specific policy objective of the Act, Representative Shuster observed that:

[t]his bill does provide, and this is an extremely important point, this bill continues to provide for the common carrier obligation. If a common carrier today has a certificate requiring him to provide service to a particular area, be it rural or urban, he has that obligation under this legislation and that obligation continues. That is an extremely important aspect of the legislation before us.

* * * * *

I emphasize that this bill keeps the common carrier obligation to serve. It does not touch that. It keeps it, and that is fundamental. 126 Cong. Rec. H5351-52 (1980).

[2] The suggestion that, under these circumstances, there would be such a potential conflict rests on the erroneous notion that there is some relationship between a carrier's present size and its ability to comply with the common carrier obligation. In other words, the notion that if the Commission grants broad authority to a small carrier, the carrier's limited size will necessarily place it in violation of its common carrier obligation.

The common carrier obligation, however, does not impose an unreasonable burden on common carriers and has little, if anything, to do with a carrier's size or capacity. Rather, all the obligation requires is for a carrier to serve all customers it is authorized to serve on a non-discriminatory basis *to the extent of its ability*. It has never required a carrier to have the capacity to satisfy all of the potential demand that might conceivably arise for its services on any given day.

of the general public to whom they would provide service. A carrier would thereby be able to systematically discriminate against particular localities or classes of customers which are within its authority and ability to serve.[3] More importantly, any attempt at enforcement of the obligation would be absolutely pointless, since a carrier would be able to alter the scope of its obligation virtually at will. Under the various alternative proposals, the only time a carrier could possibly be in violation of its obligation would be when it is remiss in republishing its tariff or changing its declaration in some other manner. Even then, if an aggrieved shipper were to lodge a complaint, the carrier could simply modify the scope of its holding-out and render the proceeding moot long before the Commission reached the merits of the shipper's complaint.

In other words, having frustrated enforcement of the common carrier obligation as to those carriers awarded authority in excess of their willingness and ability to provide service, the Commission proposed alternative redefinitions of the scope of the obligation which would appear to maintain it intact, but which would actually accomplish its administrative demise indirectly by emasculating effective enforcement of the obligation as to *all* carriers.

Although the Motor Carrier Act of 1980 retained the traditional common carrier obligation concept, its importance has diminished significantly with the vastly increased transportation alternatives available to shippers. The substantially eased entry provision of the 1980 Act has led to an abundance of motor carrier service options available to the public in general. Similarly, this increased reliance on competition should improve both the level and quality of service to those most susceptible to traffic selectivity or discrimination, i.e., small shippers and small communities. To the extent changes in service to such shippers have been reported under the 1980 Act, they generally have involved improvement in terms of both quality and availability. *See* Office of Policy and Analysis, *Interim Report: Small Community Service* (1981), and Office of Policy and Analysis, *Small Community Service Study* 1982). In addition, the number of shipper complaints concerning the common carrier obligation has decreased significantly since passage of the 1980 Act. In fact, at the present time, the Commission is not receiving any such complaints which require formal enforcement action.

In summary, while the Motor Carrier Act of 1980 retained the traditional common carrier obligation, the Commission, through its coercively applied minimum service standards, created a dilemma which will frustrate future attempts at enforcing the obligation against a substantial number of carriers. However, the solutions proposed in this proceeding would only serve to compound the problem by so emasculating the obligation as to render it unenforceable against *all* carriers. In any event, the importance of the common carrier obligation has been so reduced in today's market-oriented regulatory environment that hereafter, only rare instances of long-term service failure or blatant discrimination will require our attention. When this happens, today's Commission decision to retain the traditional common carrier obligation, which Congress clearly mandated, will at least provide some assurance that an enforcement capability remains.

Commissioner Gradison, Dissenting:

I do not agree that recent court decisions have rendered this proceeding moot. Common carriers remain obligated to render reasonably responsive, non-discriminatory service up to the extent of their capabilities. At present, many carriers do not have the capability to provide common carrier service covering the full scope of their certificated authorities. This is consistent with the intent of the Motor Carrier Act of 1980, which encourages carriers to seek reasonably broad authority so that they can respond to changes in their own capabilities and in the marketplace without having to amend their certificates repeatedly. Given this situation, however, it no longer is reasonable to require carriers to file tariffs fully commensurate and in strict conformity with their certificated authorities. So long as the Commission clings to this outmoded regulatory reqirement, as the majority has elected to do, carriers will continue to file tariffs that do not reflect the present extent of their capabilities or their present commercial inclinations, and neither shippers not this Commission will have any efficient way of ascertaining the extent to which a carrier actually wishes to hold itself out to provide common carrier service. The Commission could have rectified this situation by permitting each carrier to define the scope of its common carrier service obligation on an ongoing basis by publishing tariffs covering only those services that it has the capability and commercial inclination to provide at any given time. In this way, the Commission could have relieved carriers of filing unneeded portions of their tariffs and given itself and the shipping public a useful tool for efficiently determining the scope of common carrier services actually offered by each carrier at any given time. This tool would be especially useful to parties working to improve the efficiency of the transportation marketplace by designing computerized systems to search tariffs and provide shippers with information concerning prices and available service.

[FR Doc. 83-6789 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

[3] For example, a carrier would be permitted to refuse service to rural points in a county in which it serves urban points or refuse service to all small shippers in the same geographic area within which it serves large shippers.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

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

ACTION: Notice of Public Hearings.

SUMMARY: The Pacific Fishery Management Council and the National Marine Fisheries Service will hold joint hearings to receive public comments on a Framework Amendment and Draft Supplemental Environmental Impact Statement (DSEIS) of the Fishery Management Plan for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California commencing in 1978. These hearings are being held in accordance with Section 302(h)(3) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) and § 1506.6(c) of the Council on Environmental Quality's National Environmental Policy Act regulations.

DATE: Written comments on the Framework Amendment and the DSEIS are invited until May 2, 1983.

ADDRESS: Send comments to: Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, or H.A. Larkins, Director, Northwest Region, National Marine Fisheries Service (NMFS), 1600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98115, or Alan Ford, Director, NMFS, 300 South Ferry Street, Terminal Island, California 90731.

FOR FURTHER INFORMATION CONTACT: Joseph C. Greenley, (503) 221–6352, or H. A. Larkins, (206) 527–6150 or Alan Ford (213) 548–2575.

SUPPLEMENTARY INFORMATION: Hearings will be held on the proposed Framework Amendment of the Washington, Oregon, and California ocean commercial and recreational salmon fishery management plan and the DSEIS. The major purposes of the Framework Amendment are to: (1) Reduce the time required to implement Council recommendations; (2) allow more time to develop a complete draft planning document; (3) reduce the

number and length of planning documents which are duplicative in nature; (4) reduce the costs of management; (5) provide the public with a better understanding of the criteria and procedures used to set management measures; and (6) achieve these purposes while maximizing the opportunity for public comment.

This amendment to the Pacific Council's 1978 salmon plan will institute a system for setting pre-season and inseason salmon fishery management measures without the need of amending the plan each year. Under this proposal, certain management measures and principles would be fixed to provide a long-term management system which could not be altered without a plan amendment. Other measures would be flexible and would be determined annually or during the season according to procedures specified in the amendment.

The fixed fishery management measures recommended in the framework amendment are the fishery management unit, the management objectives, the determination of optimum yield, the determination of domestic fishing capacity, the total allowable level of foreign fishing, the spawing escapement goals, the procedures that the Council would follow to make annual and inseason adjustments of the fishing regulations, and the schedules and process for making the adjustments.

The flexible measures are the determinations of the annual allowable levels of ocean harvests, the determinations of the annual allocations, the management boundaries, the minimum size limits, the recreational fishing daily bag limits, the gear restrictions, and the seasons and quotas.

Public Hearings

Individuals or organizations wishing to comment may do so at any of the six scheduled public hearings. See Supplementary Information for dates and locations of these hearings. All of the public hearings will start at 7:00 p.m. and adjourn at or about midnight or when all public testimony has been received. The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary of each hearing will be prepared.

The hearings will be held as follows:

March 30, 1983—Hyatt Seattle, Sea-Tac Airport, 17001 Pacific Highway South, Seattle, Washington 98188

March 30, 1983—Astoria Middle School, 1100 Klaskanine, Astoria, Oregon 97103

March 31, 1983—Eureka Inn, 7th and J Streets, Eureka, California 95501

March 31, 1983—Pony Village Inn, Virginia Avenue, North Bend, Oregon 97459

April 1, 1983—Airport Hilton, Terrace Room, US 101, Airport Entrance, San Francisco, California 94128

April 1, 1983—Idaho Department of Fish and Game, Auditorium, 600 South Walnut, Boise, Idaho 83707.

Dated: March 8, 1983.

Joseph P. Clem,

Acting Chief, Fishery Process Division, National Marine Fisheries Service.

[FR Doc. 83-6522 Filed 3-15-83; 8:45 am]

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Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Sierra National Forest Grazing Advisory Board; Meeting

The Sierra National Forest Grazing Advisory Board will meet on April 13, 1983 at 10:00 a.m. at the Federal Building, 1130 "O" Street Room 2002, Fresno, California 93721.

Agenda:

1. Recognize newly elected members.
2. Impacts of Forest Service budget reductions.
3. Updates on Hydro-development, Land Management Planning, and Administration of the San Joaquin Experimental Range.
4. Range Improvements scheduled for 1983 and planned for 1984.
5. KV assistance to the Range Resource.
6. Plans for a Field meeting.

The meeting will be open to the public. Persons who wish to attend should notify Ken Stithem, Federal Building, 1130 "O" Street, Room 3017, Fresno, California 93721. Telephone (209) 487–5143.

The committee has established the following rules for public participation: Matters identified by the public will be considered by the Board at the close of the planned agenda.

Dated: March 2, 1983.

Richard L. Stauber

Forest Supervisor.

[FR Doc. 83-6761 Filed 3-15-83; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Forms Under Review by Office of Management and Budget

March 11, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of P.L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Statistical Clearance Officer, (202) 447–6201.

Revised

• Agricultural Marketing Service
Irish Potatoes Grown in Colorado—Marketing Order 948
On occasion, annually
Businesses: 42,032 responses; 22,932 hours; not applicable under 3504(h)
Charles W. Porter (202) 447–2615

• Agricultural Marketing Service
Red Tart Cherries—Marketing Order No. 930
On occasion, annually
Farms, businesses: 3,014 responses; 1,688 hours; not applicable under 3504(h)
William J. Doyle (202) 447–5975

Extension

• Foreign Agricultural Service
Sales of Agricultural Commodities for Export
FAS–97, 98, 99 and 100
Weekly and quarterly
Businesses or other institutions: 83,740 responses; 22,175 hours; not applicable under 3504(h)
Thomas McDonald (202) 447–3273

• Agricultural Marketing Service
Fresh Peaches Grown in Designated Counties in Washington—Marketing Order No. 921
On occasion, annually
Businesses: 483 responses; 764 hours; not applicable under 3504(h)
William J. Doyle (202) 447–5975

• Animal and Plant Health Inspection Service
Daily Log for Birds—Quarantine Facility—Recordkeeping
VS 17–12
On occasion
Businesses: 750 responses; 120 hours; not applicable under 3504(h)
W. Ritchie (301) 436–8172

• Agricultural Marketing Service
Food Facility Survey
MRD–1, MRD–2
On occasion
Businesses: 625 responses; 375 hours; not applicable under 3504(h)
H. S. Ricker (202) 344–2805

Marshall L. Dantzler,

Acting Statistical Clearance Officer.

[FR Doc. 83-6742 Filed 3-15-83; 8:45 am]

BILLING CODE 3410-01-M

COMMISSION ON CIVIL RIGHTS

Rhode Island 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 Rhode Island Advisory Committee to the Commission will convene at 7:30p and will end at 9:00p, on April 6, 1983, in Room 209, at the United States Post Office, 24 Corliss Avenue, Providence, Rhode Island, 02908. The purpose of this meeting will be to discuss subcomittee reports on the police practices and affirmative action projects, and to discuss plans for Fiscal Year 1983.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dorothy Davis Zimmering, 12 Chapin Road, Barrington, Rhode Island, 02806, (401) 245–3515 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. March 12, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-6803 Filed 3-15-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Extension of February 28, 1983, Scoping Meeting Comment Period/ Proposed 1992 Chicago World's Fair

March 11, 1983.

AGENCY: International Trade Administration, Commerce.

ACTION: Department of Commerce, International Trade Administration, International Expositions Staff extends proposed 1992 Chicago World's Fair Scoping Meeting comment period by 30 days—from March 28, 1983, to April 28, 1983.

SUMMARY: The International Trade Administration, U.S. Department of Commerce, held a scoping meeting on the proposed 1992 Chicago World's Fair on February 28, 1983, in accordance with National Environmental Policy Act (NEPA) procedures. This meeting was held to further determine the nature, extent, and scope of the issues and concerns that should be addressed in the environmental impact statement (EIS) which will be prepared on the proposed action. The information received at this meeting will supplement the preliminary findings contained in the earlier prepared Environmental Assessment.

At the meeting individuals, organizations, and government agencies were invited to submit views on issues to be included in the EIS and on the approach for analyzing and evaluating the identified issues. In addition to oral comments, written statements were also invited to be submitted by March 28, 1983. In view of numerous requests from the scoping meeting participants to extend this comment period, the Commerce Department announced at the meeting that comments would be received through April 28, 1983 an extension of 30 days from the original date.

FOR FURTHER INFORMATION CONTACT: Written statements and exhibits should be mailed to Mr. Ed Wilczynski at the following address by April 28, 1983. Ed Wilczynski, NEPA Compliance Officer, National Oceanic and Atmospheric Administration, Room 6800, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5181). For further information regarding EIS and associated NEPA activities pertaining to the proposed Fair, please contact Mr. Wilczynski at the above noted location.

SUPPLEMENTARY INFORMATION: To assist interested parties in familiarizing themselves with the proposal and its preliminary environmental assessment, copies of the Environmental Assessment will be made available for review at the following locations:

1. Chicago Municipal Reference Library, 121 North LaSalle Street, Room 1004, Chicago, Illinois, (312/744-4992).

2. Chicago Public Library, Government Publications Department, 425 North Michigan Avenue, 12th Floor, Chicago, Illinois, (312/269-3002).

3. Branches of the Chicago Public Library:

—Hild Regional Library, 4544 North Lincoln Avenue, (312/728-8652)
—East Side Library, 10542 South Ewing Avenue, (312/721-5500)
—Jefferson Park Library, 5363 West Lawrence Avenue, (312/763-9075)
—Beverly Library, 2121 West 95th Street, (312/445-7715)
—Rogers Park Library, 9525 South Halsted Street, (312/881-6900).
—South Shore Library, 2505 East 73rd Street, (312/734-4780).
—Austin Library, 5615 West Race Avenue, (312/287-0667).
—Garfield Ridge Library, 6322 Archer Avenue, (312/582-6094).
—Eckhart Park Library, 1371 West Chicago Avenue, (312/226-6069).

Individuals interested in obtaining a copy of the assessment for the cost of reproduction may do so by contacting: Bernadette S. Tramm, Executive Assistant, Chicago World's Fair—1992 Corporation, Suite 2590, One First National Plaza, Chicago, Illinois 60603 (312/444-1992).

The EIS referred to in this notice will describe the proposed project and the nature, range, degree, and extent of impacts which may be associated with it. The draft EIS is scheduled to be completed by November 30, 1983. Upon issuance of the draft statement, a public comment period and a public hearing (scheduled for January 2, 1984) are planned to obtain comments on the draft statement. The final environmental impact statement is scheduled to be published on or about May 9, 1984.

Jerome Morse,

Acting Director, International Expositions Staff.

[FR Doc. 83-6816 Filed 3-15-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Restraint Levels for Certain Cotton and Man-Made Fiber Apparel Products From Taiwan

March 11, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing the levels of restraint established for men's and boys' woven cotton shirts in Category 340 from 644,548 dozen to 598,692 dozen and man-made fiber coats in Category 633/634/635 from 1,506,746 dozen to 1,399,656 dozen to account for carryforward used during the twelve-month period which began on January 1, 1982. These adjustments apply to the levels of restraint established for Categories 340 and 633/634/635, produced or manufactured in Taiwan and exported during the current agreement year which began on January 1, 1983.

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).

SUMMARY: The Bilateral Agreement of November 18, 1982 concerning cotton, wool, and man-made fiber textile products, produced or manufactured in Taiwan, provides, among other things, for the borrowing of yardage from the following agreement year (carryforward) with the amount used being deducted from the level in the following year. In accordance with the terms of the agreement, the import restraint levels established for Categories 340 and 633/634/635 in 1983 are being adjusted for carryforward used during 1982.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 22, 1982, there was published in the **Federal Register** (47 FR 57083) a letter dated December 16, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established import restraint levels for certain specified categories of cotton, wool, and man-made fiber textile products, including Categories 340 and 633/634/635, produced or manufactured in Taiwan and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. In accordance with the terms of the

agreement, the Chairman of the Committee for the Implementation of Textile Agreements, in the letter published below, directs the Commissioner of Customs to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 340 and 633/634/635 in excess of the adjusted levels of restraint.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

March 11, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 16, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption or withdrawal from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Taiwan, in excess of designated levels of restraint. The Chairman further advised you the levels of restraint are subject to adjustment.[1]

Effective on March 17, 1983, the levels of restraint established for Categories 340 and 633/634/635 in the directive of December 16, 1982 are adjusted to the following:

Category	Adjusted 12-month level of restraint [2]
340	598,692 dozen.
633/634/635	1,399,656 dozen.

[2] The levels of restraint have not been adjusted to reflect any imports after December 31, 1982.

The actions taken with respect to the authorities in Taiwan and with respect to imports of cotton and man-made fiber textile products from Taiwan 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. 83-6818 Filed 3-15-83; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Agreement of November 18, 1982 concerning cotton, wool, and man-made fiber textile products from Taiwan which provides, in part that: (1) specific limits or sublimits may be exceeded by certain designated percentages provided a corresponding reduction in equivalent square yards is made in one or more specific limits or sublimits during the same agreement year; (2) certain specific limits and sublimits may be increased for carryforward; (3) special shift may be applied to certain categories, provided an equivalent quantity in square yards equivalent is deducted from designated categories; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Announcing Additional Import Controls on Certain Man-Made Fiber Apparel Products From Macau

March 11, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of man-made fiber trousers in Category 647/648, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1983, at a level of 240,075 dozen.

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).

SUMMARY: Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, between the Governments of the United States and Macau, the United States Government has decided to control imports of man-made fiber apparel products in Category 647/648, produced or manufactured in Macau and exported to the United States during the twelve-month period which began on January 1, 1983, in addition to those categories previously designated.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 23, 1982, there was published in the **Federal Register** (47 FR 57321) a letter dated December 17, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in Macau, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports of man-made fiber apparel products in Category 647/648, produced or manufactured in Macau and exported to the United States during the twelve-month period which began on January 1, 1983. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of man-made fiber apparel products in Category 647/648, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1983, in excess of 240,075 dozen. The level has not been adjusted to reflect any imports in Category 647/648 after December 31, 1982. Charges for January 1983 amounted to 177 dozen and will be charged.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

March 11, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 17, 1982 by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Macau.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854) and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man Made Fiber Textile Agreement of November 29, and December 18, 1979, between the Governments of the United States and Macau; 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 March 17, 1983, and for the twelve-month period which began on Janaury 1, 1983 and extends through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 647/648, produced or manufactured in Macau, in excess of 240,075 dozen.[1]

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1982. Imports during January 1983 amounted to 177 dozen of which 40 dozen should be charged to Category 647 and 137 dozen to Category 648.

Textile products in Category 674/648 which have been exported to the United States prior to January 1, 1983 shall not be subject to this directive.

Textile products in Category 647/648 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Macau and with respect to imports of man-made fiber textile products from Macau has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 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. 83-6819 Filed 3-15-83; 8:45 am]

BILLING CODE 3510-25-M

Announcing Levels of Restraint for Certain Cotton and Man-Made Fiber Textile Products From the Federative Republic of Brazil, Effective on April 1, 1983

March 11, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton and man-made fiber textile products, produced or manufactured in Brazil and exported during the twelve-month period beginning on April 1, 1983 and extending through March 31, 1984.

SUMMARY: The Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982 between the Governments of the United States and the Federative Republic of Brazil establishes an aggregate and group ceilings and within those ceilings a specific ceiling for Category 369pt., among others, during the agreement year which begins on April 1, 1983. It also provides consultation levels for certain other categories, such as Categories 300/301, 314, 350, 369pt. (floor coverings), and 614, which are not subject to specific ceilings and which may be adjusted during the agreement year. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 300/301, 314, 350, 369, and 614, produced or manufactured in Brazil and exported during the twelve-month period which begins on April 1, 1983 and extends through March 31, 1984, in excess of the designated levels of restraint.

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).

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

This letter and the action taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

March 11, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982, between the Governments of the United States and the Federative Republic of Brazil; and in accordance with the provisions 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 April 1, 1983 and for the twelve-month period extending through March 31, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile product in Categories 300/301, 314, 350, 369, and 614, in excess of the following levels of restraint:

Category	12-mo. level of restraint
300/301	7,173,913 pounds.
314	1,500,000 square yards.
350	39,216 dozen.
369pt.[1]	739,130 pounds.
369pt.[2]	1,268,183 pounds.
614	3,000,000 square yards.

[1] In Category 369, only T.S.U.S.A. numbers 360.2000, 360.2500, 360.3000, 360.7600, 360.8100, 361.0510, 361.1820, 361.5000, 361.5420, and 361.5630.

[2] In Category 369, all T.S.U.S.A. numbers except those listed in footnote 1.

In carrying out this directive, entries of textiles products in the foregoing categories, except Categories 350 and 369pt.[1], produced or manufactured in Brazil, which have been exported to the United States on and after April 1, 1982, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period which began on April 1, 1982 and extends through March 31, 1983. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Categories 350 and 369pt.[1] which have been exported prior to April 1, 1983, shall not be subject to this directive.

The levels set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 31, 1982 between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that: (1) within the aggregate and group limits, specific limits may be exceeded by designated percentages; (2) specific ceilings may be increased by carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

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).

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton and man-made fiber textile products from Brazil 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. 83-6817 Filed 3-15-83; 8:45 am]

BILLING CODE 3510-25-M

[1] In Category 369, all T.S.U.S.A. numbers except those listed in footnote 1 in above table.

DEPARTMENT OF DEFENSE

Department of the Air Force

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following: (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 respondents; (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.

Reinstatement

Service Academies Precandidate Questionnaire (DD Form 1908)

This information is needed to allow service academy admission officials to make a preliminary assessment of a precandidate's prospects for admission to a service academy. It applies to approximately 50,000 youths making an initial application for admission to the Academy: 50,000 responses; 25,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD, DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

(A copy of the information collection proposal may be obtained from Maj Daniel J. Flaherty, Jr., United States Air Force Academy, Colorado Springs, CO 80840, telephone (303) 472–3071.)

Dated: March 11, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-6757 Filed 3-15-83; 8:45 am]

BILLING CODE 3910-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following: (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 respondents; (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

Application for Appointment in the Air Force Medical Service Corps (AF Form 24)

The information collected is used by the Air Force Medical Service Corps Selection Committee to select qualified individuals for direct appointment as commissioned officers in the Air Force Medical Service Corps.

Respondents are civilians applicants with medical skills who desire direct appointment as commissioned officers in the Air Force Medical Service Corps: 150 responses; 150 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD, DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

(A copy of the information collection proposal may be obtained from Major Thomas J. McDougall, Air Force Manpower and Personnel Center (AFMPC/SGCP), Randolph AFB, TX 78150, telephone (512) 652–2167.)

Dated: March 11, 1983.

M. S. Healy,

OSD Federal Register Liasion Officer, Department of Defense.

[FR Doc. 83-6758 Filed 3-15-83; 8:45 am]

BILLING CODE 3910-01-M

Defense Mapping Agency

Defense Mapping Agency Advisory Committee on Mapping, Charting and Geodesy (MC&G); Closed Meeting

Pursuant to the provisions of Subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of the DMA Advisory Committee on MC&G has been scheduled as follows:

Tuesday, 5 April 1983, DMA Aerospace Center, St. Louis Air Force Station, Missouri and Wednesday, 6 April 1983, DMA Special Program Office for Exploitation Modernization, McLean, Virginia. The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical MC&G issues and advise the Director, DMA on related scientific and technical matters.

Dated: March 11, 1983.

M. S. Healy,

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

[FR Doc. 83-6756 Filed 3-15-83; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, April 5, 1983; Tuesday, April 12, 1983; Tuesday, April 19, 1983; and Tuesday, April 26, 1983 at 10:00 a.m. in Room 1E801, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Public Law 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy & Requirements) hereby determines that all portions of the

meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington, D.C. 20301.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March, 11, 1983.

[FR Doc. 83-6814 Filed 3-15-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Intergovernmental Advisory Council on Education; Hearing

AGENCY: Intergovernmental Advisory Council on Education, Ed.

ACTION: Notice of hearing.

SUMMARY: This notice sets forth the schedule for a hearing of the Intergovernmental Advisory Council on Education. Notice of this hearing is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATE: April 19, 1983.

ADDRESS: Department of Education, Federal Office Building, 1961 Stout Street, Room 239, Denver, Colorado 80294.

FOR FURTHER INFORMATION CONTACT: Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C. 20202 (202) 472-6464.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education is established under Section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council is established to provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations pertaining to education.

The Intergovernmental Advisory Council on Education will conduct a Public Hearing on April 19, 1983. The hearing schedule is as follows:

9:00-11:00 a.m.—Federal Role in Education
11:15-12 noon—Press Conference
12 noon-1:00 p.m.—Lunch
1:00-3:00 p.m.—Impact of Block Grant Programs
3:00-4:30 p.m.—Tuition Tax Credits

Individuals, organizations, and associations need to preregister for the April 19 hearing. To preregister, due to limited space and time, write Dr. Theresa H. Marshall, Executive Director, Intergovernmental Advisory Council on Education, Department of Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C. 20202 (telephone—(202) 472-6464) by April 1. (Commenters will be limited to five (5) minutes. Each commenter must provide written comments. Those wishing to submit comments only may do so by mailing them to Dr. Marshall.)

Records are kept of all Council proceedings and are available for public inspection at the office of the Intergovernmental Advisory Council on Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C.

Signed at Washington, D.C. on Thursday, March 10, 1983.

Wendy Borcherdt,

Acting Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 83-6728 Filed 3-15-83; 8:45 am]

BILLING CODE 4000-01-M

Indian Education Act; Part B; Educational Services for Indian Children

AGENCY: Department of Education.

ACTION: Application notice for new projects for fiscal year 1983.

SUMMARY: Applications are invited for new projects under the Educational Services for Indian Children program.

Authority for this program is contained in section 1005(c) of Part B of the Indian Education Act.

(20 U.S.C. 3385(c))

This program issues awards to State educational agencies (SEAs), local educational agencies (LEAs), Indian tribes, Indian organizations, and Indian institutions for educational services projects.

The purposes of these projects are: (a) To provide to Indian children educational services that are not available to those children in sufficient quality or quantity; and (b) to introduce innovative and exemplary approaches into the education of Indian children.

Closing Date for Transmittal of Applications: An application for a new award must be mailed or hand delivered by April 29, 1983.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.061, 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 lable, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education. If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark; or, (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington D.C. time) daily, except Saturday, Sunday, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: There is authorized $2,560,000 for this program for fiscal year 1983. However, the President has proposed budget rescissions to the Congress that may eliminate funds for this program. The deadline in this notice will not be extended, and applicants should prepare and submit applications pending further notification.

New service project awards will be for a period of one year only. An applicant desiring assistance after the one year period will have to apply as a new applicant in the following year.

Application Forms: Application forms and program information packages are expected to be ready for distribution by March 15, 1983. They may be obtained by writing to Dr. Bryan Gray, Indian

Education Programs, U.S. Department of Education, Room 2177, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with 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 25 pages and that the applicant not submit information that is not requested.

Applicable Regulations: The regulations that apply to this program include the following:

(a) Regulations governing the Indian Education Act programs (34 CFR Parts 250 and 255);

(b) The Education Department General Administrative Regulations (EDGAR), (34 CFR Parts 74, 75, 77, and 78).

Further Information: For further information contact Dr. Bryan Gray, Indian Education Programs, Office of Elementary and Secondary Education, Room 2177, Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245-8840.

(Catalog of Federal Domestic Assistance No. 84.061; Indian Education Special Programs and Projects—Part B—Educational Services for Indian Children)

(20 U.S.C. 3385(a)(c))

Dated: March 11, 1983.

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 83-6849 Filed 3-15-83; 8:45 am]

BILLING CODE 4000-01-M

Indian Education Act; Indian Education Fellowships for Indian Students

AGENCY: Department of Education.

ACTION: Application Notice for New Indian Fellowships for Fiscal Year 1983.

SUMMARY: Applications are invited for new fellowships under the Indian Education Act Indian Fellowship program. This program authorizes the award of fellowships to Indian students.

Authority for this program is contained in Section 423 of the Indian Education Act, as amended.

(20 U.S.C. 3385b)

The purpose of these awards is to enable Indian students to pursue courses of study leading to: (a) Graduate level degrees in education, medicine, law, and related fields and (b) Graduate or undergraduate degrees in engineering, business administration, natural resources, and related fields.

Closing Date for Transmittal of Applications: An application for new awards must be mailed or hand delivered by May 2, 1983.

Applications Delivered By Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.087 Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly-dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education. If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark; or, (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered By Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington D.C. time) daily, except Saturday, Sunday, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: There is authorized $1,440,000 for this program for fiscal year 1983; approximately $440,000 of which will be used for new fellowships. However, the President has proposed budget rescissions to the Congress that may eliminate funds for this program. The deadline in this notice will not be extended, and applicants should prepare and submit applications pending further notification.

The fellowships will be awarded for a period of one year only. An applicant desiring assistance after the one year fellowship will have to apply as a new applicant in the following year.

The Secretary is not establishing any priorities among the allowable fields of study; therefore the available funds will be divided equally among the six allowable fields described in 34 CFR 263.4 of the proposed regulations.

The estimated maximum stipend allowed for a graduate fellow will be $600 per month. The estimated maximum stipend allowed for an undergraduate fellow will be $375 per month. An estimated maximum allowance of $90 per month will be allowed for each dependent. Financial need and the applicant's resources will be taken into account in determining the amount of the fellowship award. The amount of the award will be determined by income of the student, the income of the student's spouse, family contributions, other financial aid including grant awards being received, the cost of living of the area of the institution being attended, and the amount of tuition and fees charged by the institution of higher education.

Application Forms: Application forms and program information packages are expected to be ready for distribution by March 18, 1983. They may be obtained by writing to Dr. Bryan Gray, Indian Education Programs, U.S. Department of Education, Room 2177, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with 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 applicants not submit information that is not requested.

Applicable Regulations: The regulations that apply to this program are the Indian Fellowship Program Regulations (34 CFR Part 263). New proposed regulations for the Indian Fellowship Program were published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on March 10, 1983 (48 FR 10280). Fellowship applicants should prepare the

application on the basis of the NPRM. If material changes are made in the final regulations, the Secretary may require modifications to the fellowship applications.

Further Information: For further information, contact Dr. Bryan Gray, Indian Education Programs, Office of Elementary and Secondary Education, Room 2177, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 245–8840.

(Catalog of Federal Domestic Assistance No. 84.087; Indian Education Fellowships for Indian Students)

(20 U.S.C. 3385b)

Dated: March 4, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-6648 Filed 3-15-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate; Study of the Direct Applications of Mathematics

AGENCY: Department of Energy (DOE).

ACTION: Notice of Solicitation for a Grant Application.

SUMMARY: DOE announces that it is conducting negotiations pursuant to 10 CFR 600.7(b) with the National Academy of Sciences (NAS) for a study of the direct applications of mathematics. These negotiations are expected to result in the award of a grant in which DOE will provide $25,000 or approximately 12% of the total estimated cost of the study.

Solicitation number: DE–OF 01–83ER13046.

Authority: DOE Organization Act, Pub. L. 95–91, 42 U.S.C. 7101; Federal Non-Nuclear Energy Research and Development Act of 1974, Pub. L. 93–577, 42 U.S.C. 5901 *et seq*; DOE Financial Assistance Rules, 10 CFR Part 600, 600.7(b), (47 FR 44086, October 5, 1982).

Scope of Study: The grant will be for a study of the range of direct applications of mathematics, including the research system which generates and develops the techniques involved, and to identify the significance of those mathematical concepts and methods for science and industry. The study will result in a report which will include a discussion of areas in applied mathematics requiring additional support and any potential impact on energy research and development.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, attn: David Erdman, MA–964.1, 1000 Independence Avenue, SW., Washington, D.C., 20585, (202) 252–9518. Issued in Washington, D.C. on March 2, 1983.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

[FR Doc. 83-6740 Filed 3-15-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Chino Mines Co.; Certification of Eligible Use Natural Gas To Displace Fuel Oil

[ERA Docket No. 83–CERT–001]

On January 13, 1983, Chino Mines Company (CHINO), General Office, Hurley, New Mexico 88043, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of eligible use of approximately 10,000 Mcf of natural gas per day which is expected to displace the use of approximately 66,000 gallons (1,521 barrels) of No. 6 fuel oil (less than 2.0 percent sulfur) per day at its copper ore facilities located near the city of Hurley, New Mexico. The eligible seller of the natural gas is El Paso Hydrocarbons Company, P.O. Box 3986, Odessa, Texas 79760. The gas will be transported by El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978. Notice of that application was published in the **Federal Register** (48 FR 7776, February 24, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed CHINO's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that CHINO's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., March 9, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-6741 Filed 3-15-83; 8:45 am]

BILLING CODE 6450-01-M

Strasburger Enterprises, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Strasburger Enterprises, Incorporated, 4 North Third Street, Temple, Texas 76501. This Proposed Remedial Order charges Strasburger Enterprises, Incorporated, with pricing violations in the amount of $1,469,954.34 connected with the sales of motor gasoline during the period January 1, 1979 through September 30, 1979.

A copy of the Proposed Remedial Order with confidential information deleted, may be obtained from Mr. James N. Solit, Director, Division of Litigation Support, Office of the Special Counsel, Economic Regulatory Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, Telephone (202) 633–9500. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the U.S. Department of Energy, Office of Hearings and Appeals, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C., on the 4th day of March 1983.

Avrom Landesman,

Deputy Special Counsel.

[FR Doc. 83-6738 Filed 3-15-83; 8:45 am]

BILLING CODE 6540-01-M

Federal Energy Regulatory Commission

Determination To Reestablish Petroleum Pipeline Advisory Committee on Valuation

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), I hereby certify that the reestablishment of the Petroleum Pipeline Advisory Committee on Valuation is in the public interest in connection with the duties imposed upon the Federal Energy Regulatory Commission, Department of Energy by the Department of Energy Organization Act of 1977, Section 624, and other applicable law. This determination follows consultation with the Committee Management Secretariat, General

Service Administration, pursuant to Section 9 (a)(2) of the Federal Advisory Committee Act and OMB Circular A–63 (Revised).

1. *Name of Advisory Committee:* Petroleum Pipeline Advisory Committee on Valuation.

2. *Purpose:* The Committee will provide the Office of Pipeline and Producer Regulation (OPPR), Federal Energy Regulatory Commission (FERC), with data and information needed by the FERC to determine annual price/cost indices for petroleum pipeline facilities and equipment. These indices are vital to the FERC in determining:

(a) Original (basic) valuations of all oil pipelines as required by Section 19a of the Interstate Commerce Act;

(b) Information which the FERC must compile to comply with the requirement of Section 19a that on completion of such original valuations it shall keep itself informed of all new construction, extensions, and improvements in each such pipeline and all changes in the investment and the valuation; and

(c) The inflation factor present in the valuations which must be determined in order to arrive at real rates of return.

The FERC in a recent decision in arriving at its approach to oil pipeline regulation decided that valuation of an oil pipeline company's facilities and properties will be used as a rate based upon which to measure allowable earnings. In addition, it decided that, in order to prevent double counting, the inflation allowance that the rate based gives must be deducted from a determined nominal rate of return to arrive at a real rate of return. These valuations are also used by state and local authorities in the regulation of pipeline rates and in the taxation of pipeline properties.

The Committee will serve in an advisory capacity only; completely independent calculation of data and information submitted by the Committee will be made by the OPPR's Valuation Branch.

3. *Effective Date of Establishment and Duration:* This Advisory Committee is established effective 15 days after publication of this notice and after filing of the charter with the standing committees of Congress having legislative jurisdiction over the Department of Energy and with the Library of Congress. The Committee will terminate one year from the date of its establishment.

4. *Membership:* The membership of the Advisory Committee shall be fairly balanced in terms of the points of view and functions of the industry and users affected. There will be no discrimination on the basis of race, color, national origin, religion, age, or sex.

5. *Operation:* The Petroleum Pipeline Advisory Committee on Valuation will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), FERC policy and procedures, OMB Circular A–63 (Revised) and other directives and instructions issued in accordance with the implementation of the Act.

6. *Objectivity:* The advice and recommendations of the Advisory Committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the Advisory Committee's independent judgment.

Issued at Washington, D.C. on February 7, 1983.

C. M. Butler III,

Chairman.

[FR Doc. 83-6804 Filed 3-15-83; 8:45 am]

BILLING CODE 6717-01-M

Southeastern Power Administration

Power Marketing Policy; Cumberland System of Projects

AGENCY: Southeastern Power Administration (SEPA), DOE.

ACTION: Notice of issuance of final power marketing policy, Cumberland System of Projects.

SUMMARY: The Administrator has adopted the attached Final Power Marketing Policy for SEPA's Cumberland System of Projects. It will be effective upon publication in the **Federal Register** and will be applicable to the sale of system power in given utility areas an then existing contracts, or necessary extensions, expire; in other selected areas as implementing contracts can be completed. The policy was developed in accordance with SEPA's Procedure for Public Participation in the Formulation of Marketing Policy published in the **Federal Register** on July 6, 1978, 43 FR 29186. The process was initiated by the Administrator with a decision that a new written marketing policy for the Cumberland System of Projects was needed. A Notice of Intent to Formulate Power Marketing Policy was subsequently published in the **Federal Register** on November 5, 1980, 45 FR 73537, requesting, among other things proposals and recommendations for consideration by SEPA. Seven responses were received as a result of the Notice of Intent.

On August 19, 1981, a Proposed Power Marketing Policy for the Cumberland System of Projects was published in the **Federal Register**, 46 FR 42186, and the availability of a draft Environmental Assessment was announced and comments on both documents were solicited. 128 comments were received relative to the proposed policy itself, during a Public Comment Forum held in Nashville, Tennessee, on November 5, 1981, or during the written comment period which ended December 7, 1981. No comments were received on the Environmental Assessment. 11 consultations were held with representatives of entities or groups of entities interested in the proposed policy. Additionally, a number of conferences were held with the Corps of Engineers and TVA to consider matters inherent in facilitating whatever policy might be finally adopted. All of the responses and comments from whatever source and within whatever time frame were considered.

Thereafter, a Staff Evaluation Committee was selected by the Administrator to prepare a Staff Evaluation of all oral and written comments and responses received by SEPA. The Staff Evaluation was completed January 28, 1983.

Following the Staff Evaluation, the Administrator decided to modify in certain particulars and to make specific in others the Proposed Power Marketing Policy published August 19, 1981, and to adopt the policy as modified and made specific.

SUPPLEMENTARY INFORMATION: The Final Power Marketing Policy sets forth the guidelines which SEPA will follow in the future disposition of power from the system. The policy covers power from the Barkley, Center Hill, Cheatham, Cordell Hull, Dale Hollow, Laurel, Old Hickory, J. Percy Priest, and Wolf Creek Projects. The policy establishes the marketing area for system power and deals with the allocation of power among or for the benefit of area customers. It also deals with utilization of area utility systems for essential purposes, wholesale rates, resale rates and conservation measures.

Based on the Environmental Assessment of the proposed marketing policy, SEPA and DOE concluded that the proposed policy would not have a significant effect upon the quality of the human environment. The Final Power Marketing Policy is not modified sufficiently to alter this finding. A recital or the primary objections to the proposed marketing policy, brief responses or explanations for rejecting those objections, and specific decisions and changes in the proposed marketing policy approved by the Administrator, precede the text of the final policy as

adopted. Issued at Elberton, Georgia, March 9, 1983.

Harry C. Geisinger,
Administrator.

Final Power Marketing Policy Cumberland System of Projects

Introduction. The efforts to develop a new written power marketing policy for SEPA's Cumberland System of Projects began on November 5, 1980. SEPA has followed the step by step requirements of its Procedure for Public Participation in Formulation of Marketing Policy published in the Federal Register on July 6, 1978, 43 FR 29186. Numerous public comments have been received and evaluated. This public input, offered in an orderly and timely fashion, has greatly helped the decision making process.

Purpose and Legal Authority. The purpose of the policy is to establish with public input written guidelines which SEPA will follow in the future to reasonably and equitably carry out the statutory requirements set forth in Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s. SEPA's authority to formulate the policy and perform these functions are derived from Section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7152, and delegations pursuant thereto.

Reasons for Marketing Policy. Since its establishment in 1950, until issuance of the written marketing policy for its Georgia-Alabama System in 1980, SEPA utilized ad hoc approaches to power marketing. Resulting policy has been reflected in negotiated contractual arrangements. With respect to the Cumberland, the Department of Interior, prior to the creation of SEPA, had established with TVA a mode of marketing, which while modified over time by SEPA, nevertheless, materially influenced policy for the system up until this time. The need for a revised written policy for the Cumberland has been recognized when current contracts expire, with particular emphasis on marketing area and allocations.

Furthermore, SEPA had advised that interests of various entities around the periphery of the TVA area would be examined.

Primary Objections and Responses. A number of objections, contentions or suggestions for change were filed to the Proposed Power Marketing Policy as published in the Federal Register on August 19, 1981, 46 FR 42186. SEPA responses to major summarized objections, contentions or suggestions follow:

1. *Objection.* Rather than maintaining four separate systems, SEPA power should be marketed on a single-system basis and, in the absence of special circumstances, all preference entities located in the ten-state SEPA area should have equal claim to a pro-rata share of all preference power.

Response. This same idea was raised in connection with the Georgia-Alabama System marketing policy and was dealt with at length in both the *Staff Evaluation* and *Final Power Marketing Policy* for that system. It purpose is to have SEPA integrate all of its projects located in Virginia, North Carolina, South Carolina, Florida, Georgia, Alabama, Tennessee and Kentucky into a single electrical operation and to dispose of the power throughout the ten-state area in which SEPA has been authorized to market power. That area, in addition to the above states, includes West Virginia and Mississippi. Its further purpose is to have SEPA market power available from the single-system pro-rata to preference entities located throughout the ten-state area without regard to the past or present SEPA policies or any other considerations save "special circumstances." This proposal would have SEPA establish a marketing area of approximately 450,000 square miles comprising the geographical area of the United States lying East of the Mississippi and South of the Ohio and Potomac Rivers. It is an area in which are located approximately 570 preference entities some being as far removed from others as the Ohio and Potomac Rivers are from Key West, Florida and the Mississippi River is from the South Atlantic Seaboard. SEPA presently has less than 3,000 megawatts of generation and the combined preference agency load in the area is now some 40,000 megawatts. Furthermore, SEPA has no transmission facilities and a Congressionally authorized staff of less than 40. It would be required to deal with all of the major public and private utilities throughout the area even though SEPA's resources comprise less than three percent of the capacity and less than one percent of the energy resources in the area. While SEPA has standing delegated authority to market power in the ten states, it does not have utility responsibility respecting any customer. Rather SEPA is in the business of disposing of a relatively small amount of surplus hydro power pursuant to the principles set forth in Section 5 of the Flood Control Act of 1944. Furthermore, all claims to the contrary notwithstanding, there are no statutory or other legal tools available to SEPA by which it can compel area utilities to cooperate in the accomplishment of any such proposal.

The proposal is highly theoretical and impractical. Furthermore, it cannot be justified. While there have been many changes in the electrical power industry during the thirty odd years of SEPA's existence, and while SEPA has taken advantage of the changes and its program has evolved and greatly expanded, the one-system proposal is beyond practicality. The further discussion on the idea contained in the *Final Power Marketing Policy* for the *Georgia-Alabama* System remains pertinent and is by reference incorporated herein and made a part hereof.

2. *Objection.* Marketing of power outside the ten-state SEPA area should be discontinued.

Response. Since 1968, SEPA has had contracts, by special delegation of the Secretary of the Interior, with Southern Illinois Power Cooperative and Indiana Statewide Rural Electric Cooperative, Inc., Hoosier Energy Division. These two G&T cooperatives, serving three and 17 member distribution cooperatives, respectively, along with Big Rivers Electric Corporation serving four member cooperatives in western Kentucky, constituted what was then known as the KII Pool. The three G&T's continue to carry on recognized pool activities. Southern Illinois has a transmission line into Barkley Project specifically to receive power from SEPA. Big Rivers is both connected to Barkley and to the TVA System remote from SEPA projects. Hoosier is one system removed from SEPA and TVA and receives its allocation through Big Rivers pursuant to its own arrangements. Southern Illinois and Big Rivers presently buy both peaking and standby power from SEPA while Hoosier buys only standby. Since SEPA has proposed to discontinue sales of standby power from the Cumberland projects upon the termination of existing contracts and because Hoosier is a system once removed from the projects, SEPA has decided to discontinue sale to Hoosier. However, because of the long-term business relationship between SEPA and the Illinois G&T, its willingness to invest in transmission facilities to Barkley Project and its proximity to the power, SEPA will continue sale of peaking power to the Cooperative. Furthermore, the Assistant Secretary for Conservation and Renewable Energy has authorized the continued sale of peaking power to Southern Illinois. It should be remembered that Section 5 of the Flood Control Act of 1944 is a national statute and the Secretary of Energy has has nationwide authority. The ten-state area in which SEPA is

authorized to market power from projects which are or may be located in those states is by delegation of the Secretary who is free to modify the delegation as he may deem appropriate.

3. *Objection.* SEPA should market Cumberland power either (a) entirely to TVA, or (b) entirely among TVA and the four G&T coops now receiving the entire system output, or (c) among all preference customers within a radius of 150 miles from the system projects.

Response. In 1948, prior to the establishment of SEPA, the Secretary of the Interior entered into a contract with TVA selling the Authority the outputs of the Wolf Creek, Center Hill and Dale Hollow Projects. The contract was terminable in 1968 or thereafter upon ten-years' advance notice. Payment to cover cost of the power investment was to be made annually based on inflow into the Wolf Creek Reservoir. Payments, accordingly, varied widely. Since these were the storage projects in the system, SEPA had little choice but to add Old Hickory and Cheatham, basically run-of-river projects, to the arrangement when they became operative in 1957 and 1959, respectively. However, when the sixth project in the basin, Barkley, was under construction, and since it had some peaking potential, SEPA moved in 1963, with TVA's cooperation to amend the basic arrangement to allow, with the addition of Barkley, the withdrawal from the system of 150 megawatts of peaking power and 100 megawatts of standby power for sale to SEPA customers outside the TVA area. It was arranged for three customers to purchase the use of the 100 megawatts of standby on an acceptable basis. Subsequently, in 1970 and 1973, respectively, J. Percy Priest and Cordell Hull were added to the arrangement and with the addition of Cordell Hull, the withdrawable amount of peaking power was increased to 175 megawatts. The power withdrawn was eventually sold by SEPA as follows: 40 megawatts peaking and 100 megawatts standby to Big Rivers; 35 megawatts peaking and 100 standby to Southern Illinois; 100 megawatts of standby to Hoosier; and 100 megawatts of peaking to a fourth G&T cooperative, East Kentucky Power Cooperative, Inc. The initial contract with Big Rivers was challenged immediately by Kentucky Utilities Company and Louisville Gas & Electric Company as violative of the TVA area limitation statute. The utilities also challenged a Certificate of Convenience and Necessity being sought by Big Rivers because initially two distribution cooperatives served by KU and one served by LG&E were members of Big Rivers and were seeking new sources of power supply. The Certificate of Convenience and Necessity was eventually granted and sustained by a state appellate court and the U.S. District Court in Kentucky finally ruled for SEPA and the sales of withdrawn power to the four G&T's were eventually perfected and deliveries have since continued. In late 1973, SEPA offered the Laurel Project output in equal shares to East Kentucky and to eight Kentucky municipals within 150 miles of the project served from the KU System. Some five years of unsuccessful negotiations with KU to obtain a satisfactory wheeling agreement followed. It was then determined to sell all of the Laurel output to East Kentucky with East Kentucky agreeing to relinquish 25 megawatts of Cumberland power for the benefit of the eight cities when SEPA could obtain an arrangement with KU to perfect deliveries. This effort also failed and SEPA then, pursuant to recently passed legislation authorizing FERC to order wheeling under certain conditions, filed an Application with FERC seeking an Order requiring KU to wheel the 25 mw to the eight cities. The Administrative Law Judge denied the Application and the matter is now before the Commission on exceptions to the ALJ's Initial Decision. Additionally, the Justice Department after investigation and review of SEPA's files, independently and without SEPA's advanced knowledge, filed an antitrust suit against KU alleging violation of the Sherman Act. Both the FERC and court actions are ongoing. This background information is important to placing this suggestion in context, since the suggestion in its entirety was made by KU and represents the Company's position as taken during its dealings with SEPA.

There is no possibility of selling all of the power to TVA in the future and in fact the possibility actually ended in 1963 with the execution of the Big Rivers contract. Likewise, the effort to get the power frozen to existing participants overlooks the fact that for the first time in SEPA history the agency has the opportunity and responsibility to determine what is the most appropriate marketing area and allocation for Cumberland power after considering all available information. Kentucky municipalities, including those in the KU area, have never realized any SEPA power despite their interest, their proximity to the projects and SEPA prior commitments. The final suggestion that all preference customers within a radius of 150 miles of any of the projects be allocated a proportionate share of the power has little relation to the interests of preference customers but was designed to scatter the power so as to minimize the loss of Company supplied load within its service area. It was put forth in the SEPA-KU negotiations and the FERC proceeding for specifically that purpose, not to aid SEPA in developing an appropriate plan to carry out its responsibilities. SEPA has nevertheless reevaluated these contentions and finds them all inconsistent with modern day realities and requirements.

4. *Objection.* The Cumberland River is a Kentucky and Tennessee resource and power produced therefrom should be marketed within the two States.

Response. While the entire Cumberland River Basin is located within Kentucky and Tennessee, Congress has not chosen to delineate the geographical area of the two States as the marketing area for power from the Cumberland Basin resource. Under its powers to regulate navigable waters, Congress could have done so but it did not. Rather, Congress chose to have a designated Power Marketing Administration select the geographical marketing area in accordance with guidelines established in Section 5 of the Flood Control Act of 1944, including the "most widespread use" provision. Under this provision, river basin and State boundaries are only two factors to be considered in the selection of an appropriate geographical marketing area. Other factors include reasonable distances from projects; utility service areas; number, location and demand of preference customers; type and amount of power available for marketing; and various other matters involved in scheduling, transmission, utilization and disposition of the power. There is also the matter of harmonizing the "most widespread use" provision with other statutory provisions.

Under present arrangements, Cumberland power is utilized in Kentucky and Tennessee and portions of seven other States. Under the new written power marketing policy, the SEPA selected geographical marketing area includes all of Kentucky and Tennessee and portions of six other States. Except for Illinois, the States includes in SEPA's selected marketing area are those served totally or partially by TVA, with SEPA's area including selected portions of Kentucky, North Carolina and Mississippi not served by TVA. Stated another way, SEPA's selected marketing area includes the TVA area, those utility areas in the Southeast immediately adjacent to the

TVA service area not now served or contemplated to be served from another SEPA system, (except the service areas of Kentucky Power Company and Nantahala Power & Light Company), and the service area of Southern Illinois Power Cooperative.

The service areas of Kentucky Power Company and Nantahala Power & Light Company, have very small preference loads and are impractical for inclusion at this time. The selected marketing area appears when all factors are considered to be the most reasonable area within which to market Cumberland power.

5. *Objection.* SEPA should recognize and treat TVA as an entity preferred, under the Flood Control Act, in the disposition by SEPA of the power output of the Cumberland System.

Response. This contention is made on behalf of parties seeking disposition of Cumberland power basically within the TVA service area. It is also a counter to the contention that TVA is without preference rights to the power under the statute. The counter was initially raised by those thinking that a determination that TVA was not a preference entity would result in power being withdrawn from TVA for sale outside the TVA area. The question of whether TVA is or is not a preference entity was raised in connection with the Georgia-Alabama policy and was deferred until consideration of the Cumberland policy.

As it turns out, SEPA's approach to development of policy for the Cumberland System does not require the question to be answered. Even those who contend that TVA is not a preference customer recognize that there are public bodies and cooperatives within the TVA service area who are eligible to receive SEPA power and even suggest that some capacity be allocated to TVA for their benefit.

The geographical area within which SEPA is authorized to (or may) market power includes the TVA service area. Within the 80,000 square mile TVA area are 160 public bodies and cooperatives for whom TVA has utility responsibility. They are preference customers under both the TVA Act and under the Flood Control Act. They are in a position to reasonably receive power from both RVA and SEPA's Cumberland System.

SEPA could alternatively market Cumberland power directly to the 160 TVA preference entities using TVA to wheel and facilitate or it could arrange to pass the power and benefits through TVA to the preference customers. From an efficiency standpoint, the latter is preferable. Furthermore, all of the preference entities within the TVA area desire SEPA to deal with TVA for their benefit. Under long-term TVA policy and arrangements, TVA and Cumberland hydro power and benefits flow through to the preference entities and will continue to do so in the future. The real question then is should the public bodies and cooperatives located in the TVA service area be allowed to receive both TVA and SEPA hydro power and, if so, to what extent?

Despite attempts to distinguish TVA and SEPA hydro power, the fact remains that all of such power is Federally-owned. And, all of it is to be marketed giving preference to public bodies and cooperatives. SEPA's policy will make available Cumberland power to preference entities in the TVA area. As to quantities, SEPA will add to the TVA supplied hydro such that preference customers inside the TVA area will have met from Federal hydro approximately the same percentage of their total demand as SEPA will provide its preference customers in the remaining Cumberland marketing area outside the TVA service area. SEPA has concluded that this discretionary resolution has merit and is reasonably fair and equitable to all concerned.

6. *Objection.* TVA is not a public body entitled to preference power within the meaning of Section 5 of the Flood Control Act of 1944, although it serves a number of public bodies and cooperatives which would be entitled to receive SEPA power. Accordingly, TVA should receive for the benefit of preference customers in its area 65 percent of the capacity (no energy) which the Authority now receives from SEPA. Kentucky preference entities should receive the equivalent of the hydro power which TVA System preference customers would receive from combined TVA–SEPA hydro resources, and all preference entities throughout the ten-state area not now served by SEPA (including Kentucky cities) should receive an equitable proportion of all remaining Cumberland capacity and energy.

Response. The non-issue of TVA's status under the preference provisions of Section 5 of the Flood Control Act of 1944 was adequately covered in the *Response* to *Objection 5.* The proposal contained in this *Objection 6* is sponsored by representatives of preference entities who are promoting a single system approach to SEPA marketing. The proposal would effectively leave approximately 400 megawatts of capacity inside the TVA System, removing therefrom a total of some 500 megawatts and all of the energy. Kentucky preference entities outside the TVA service area would receive treatment equal to that granted preference entities within the TVA service area from TVA–SEPA hydro power and the remaining Cumberland power would be spread throughout the remaining portions of the 10-state area. Devoid of justification, the proposal on its face is lacking in practicality and sound business principles as discussed in the *Response* to *Objection 1.*

7. *Objection.* Reallocation of Cumberland power is essential to carry out SEPA's mandate and to overcome historical inequities resulting from TVA service boundaries and area limitation statute.

Response. This objection recognizes that no systematic allocation of Cumberland power among potential customers has previously been made by SEPA. The original and subsequent piece meal and ad hoc approaches to Cumberland marketing reflect the need for reconsideration being made through this policy making procedure. This is in reality SEPA's first opportunity to really consider what area might be reasonably served from the Cumberland projects and to consider how the power might equitably be allocated among all preference customers located in the selected areas. SEPA believes, therefore, that a reasonable basis exists for reconsideration of the marketing area and careful reallocation of resources but that the basis exists independently of any inequities which may linger along the periphery of the TVA established service area. While SEPA efforts may serve to partially overcome the peripheral inequities, SEPA's driving force is to most effectively carry out its mandate as set forth in Section 5 of the Flood Control Act of 1944.

8. *Objection.* Proposed allocations to TVA area preference customers are inequitable and will result in withdrawal of substantial quantities of both power and monetary benefits from TVA's preference customers and their domestic and rural consumers.

Response. Preference customers of TVA which have long realized major benefits from the Cumberland hydro resource are understandably concerned about the proposed withdrawal of additional quantities of power from the TVA System. Benefits from both TVA and SEPA hydro, under TVA policy, are substantially passed through to TVA area preference customers and in turn to their domestic rural consumers. Therefore, the TVA area preference customers naturally prefer the status quo if not an improvement of their present condition. They contend that the proposed allocations will adversely impact them, both product and benefit wise, the extent depending upon the allocation of capacity and energy to

preference customers outside the TVA service area. They also express concern about extra costs and losses that will be involved in spreading the power over a larger geographical area and worry as to efficient use of resources when additional utility systems are involved.

It may be true, depending on how much capacity and energy is withdrawn, that monetary benefits could be withdrawn from TVA area preference customers. In the proposed policy, SEPA proposed ranges of allocations to proposed preference customers. The maximum allocation would withdraw a substantial amount of energy from the TVA System. In that case, TVA would be required to replace that energy at a higher cost then the cost of SEPA energy. However, under a minimum allocation, there would basically be no change in the amount of energy the TVA System would receive and utilize for its preference customers. As to capacity withdrawal, the monetary detriment may be much less than suspected, possibly even minimal, when it is considered that Cumberland capacity added to available TVA hydro likely provides more peaking capability than the TVA load can reasonably sustain. Futhermore, during the proposed policy period, because of excess capacity currently reported in the TVA System, minimal new capacity will need to be added by TVA.

The three to five percent increase in rates postulated by TVA is based upon certain assumed withdrawals and projected high costs of replacement power. SEPA believes the estimates to be clearly on the high side. Nevertheless, some financial detriment is a distinct possibility. This, however, does not make a carefully selected withdrawal inequitable. Quite the contrary, a carefully balanced overall policy carrying out in a reasonable manner SEPA's marketing responsibilities is the goal being sought. The allocations selected in the final policy effectively accomplish this goal.

9. *Objection.* SEPA should conditionally allocate power for future withdrawal and use in developing joint state-federal synthetic fuel plants in Kentucky.

Response. The basis for this suggestion is that originally four synthetic fuel plants were proposed for western Kentucky which would require upwards of 1300 mw of electric power. From a load factor and time duration standpoint the power need presents some special problems to the industry owners and power suppliers. Both Federal and State money has been or was proposed for investment in otherwise privately financed and operated industries. To what extent the plants will become reality remains to be seen.

SEPA has only a limited amount of peaking capability available for a large preference market and has not previously during its existence allocated power to any industry. The suggestion invites a break with this policy.

In the first place these plants need base load power whick SEPA does not have. Secondly, in addition to the fact that SEPA's resource does not match the product needed, SEPA's mandate to honor the preference clause is an overriding requirement. Under the proposed policy, SEPA would be able to supply only a portion of the peaking requirements of the preference entities in the marketing areas under consideration.

Furthermore, it would be difficult to justify asking electric power consumers to give up some of their benefits of hydro power in order for the users of synthetic fuel to get their product more cheaply.

10. *Objection.* Supply agencies for preference customer groups should receive an allocation of power in addition to allocations to their member distribution entities.

Response. This Objection is premised upon a mistaken belief that SEPA in the past has granted allocations of power and energy to G&T cooperatives in addition to allocations made to on-system distribution cooperation served directly by those G&T's. The confusion apparently arises from the fact that some off-system member cooperatives receive allocations and delivery through utilities other than the parent G&T. Their allocations, however, are based on their own loads segregated from the loads actually and directly served by the G&T itself. In other words, the loads served directly through the G&T's own transmission facilities are utilized in determining allocations to the G&T's while the loads of off-system member cooperatives served through other utilities transmission facilities are utilized in the determination of allocations to the off-system cooperatives. There are no resulting duplications of allocations and the proposed policy specifically denies that possibility.

A further point of confusion may have arisen from the fact that a given distribution cooperative system may have been geographically located partially in one ESPA system marketing area and partially in another. However, only the portion of load actually existing in a given SEPA system was utilized in the allocation process for that particular system. Again there was no duplication. No preference demand should expect to receive more than its appropriate allocation and that only from the SEPA system marketing area in which it is located.

11. *Objection.* SEPA should remove the adverse competitive impact and pressures caused by uneven allocations and treatment of preference entitles.

Response. This contention is supportive of the single system concept and reallocation of all power available to SEPA proportionately among all preference entities throughout the ten-state area. The practicality of such an understanding was dealt with in the *Response* to *Objection 1.* It should also be noted that any legal compulsion to follow such a course does not exist. Futhermore, no legal or other usable tools exist to accomplish a single system concept. SEPA is aware that because of circumstances influencing the evolution of its marketing program, uneven distribution of power among preference entities has resulted. Nevertheless, within selected marketing areas, evenhanded treatment was always afforded participation preference entities as power became available. It goes without saying, however, that preference entity participation at any point in time was voluntary and beyond SEPA's control. Additionally, because geographical limits to marketing areas resulted from the decision process, preference entities immediately beyond the peripheries were affected. But as discussed in the *Response* to *Objection 7* in the Final Marketing Policy for the Georgia-Alabama System, the magnitude of the impact is debatable and is but one factor in the establishment of rate levels by preference entities.

SEPA's responsibility is to dispose of surplus hydro power from identifiable Corps of Engineers reservoir projects in accordance with specific statutory criteria and it has no utility responsibility respecting any customer within the ten-state area or other specified areas in which it is authorized to market power. The impact of SEPA power is something of which SEPA is conscious but the impacts are a natural consequence of its marketing program. The Congress has not required SEPA to specifically take this matter into consideration as it has required of certain other agencies of a regulatory nature.

12. *Objection.* The system dependable capacity utilized by SEPA in its marketing plan must be realistic and reflect parameters that will be used in operating Cumberland projects.

Response. Realism and pragmatism are, indeed, called for. In depth consideration must be and has been given to operating and marketing parameters associated with both the TVA System, within which a portion of the power will remain, and the peripheral systems into which portions of the power will be delivered. These considerations are made more difficult by the multi-purpose nature and particular characteristics of the projects, together with the interrelated aspects of the Cumberland and Tennessee Rivers created by the Barkley Canal. Accordingly, judgmental skills of a high degree are required in both hydraulic and operating areas. SEPA's much revised and reviewed system computer study for the period 1925 through 1981 has taken all known and relevant factors into consideration in the determination of system dependable capacity. This study establishes, in the judgment of SEPA's hydraulic and operating experts, and in the context of the proposed new written marketing policy, the dependable capacity of the Cumberland System at 960,000 kilowatts with accompanying firm energy of 1,280 kilowatt-hours per kilowatt per year.

The study effectively simulates output of the sytem based upon projected operations by the Corps of Engineers and SEPA with dependable capacity based upon conditions existing as of the end of January 1981. Extensive discussions were held with the Corps of Engineers (Nashville District and ORD) and TVA in order to validate the study. The Staff concludes that SEPA is justified in marketing 960,000 kilowatts of dependable capacity with accompanying firm energy of 1,230,000,000 kilowatt-hours.

13. *Objection.* The benefits of Cumberland hydro power under the proposed policy will be substantially diminished through inefficient use of facilities, added transmission losses, and additional facility utilization costs.

Response. The concerns here expressed are related to an extension of the marketing area and the involvement of additional utilities. Operationwise, the proposed policy may place some restrictions on the system's response to always provide least cost TVA energy, which TVA probably considers an inefficient use of facilities. However, the principle value of the system is the production of peaking power, and it is through an interrelated consideration of involved utility systems that SEPA seeks and expects to achieve a more beneficial use of available product. A better balance of capacity and energy realization is sought through carefully revised project operations including projected maintenance of higher project storage elevations during the summer and fall months. The end result will be a more efficient overall use of Cumberland resources. Transmission losses are indeed related to the marketing area selected and must be weighed in the selection of that area. The proposed policy has considered customers either within the TVA service area or those in immediately adjacent areas involving utilities having transmission lines to the Cumberland Projects or otherwise having direct connections to the TVA System. SEPA believes losses within the TVA System are no more than average system losses and additional external losses are well within the bounds of those necessarily resulting from SEPA properly carrying out its mission. However, SEPA has decided against trying to serve in the Kentucky Power and Nantahala areas because of very light preference customer load and other factors.

Some small additional facility use is required and will be compensated for. Also, the addition of some revenue metering by the Government may be desirable to more accurately measure the product going into the TVA System.

SEPA, in evaluating these contentions, can find no plausible basis for concluding that significant or material increase in costs, losses of efficiency, or unacceptable transmission losses will result from implementation of the proposed policy should it be made final.

14. *Objection.* SEPA is without legal authority to mandate conservation measures and programs as part of its marketing policies.

Response. There is no substantial objection to the Congressionally articulated national policy of energy conservation. At this point in its institutional life, SEPA seeks to be responsive to this national policy, mindful of the various factors that inhibit its ability to contribute except in limited ways. Careful use of SEPA's scarce hydro resource is something for which SEPA will continue to strive and toward that end SEPA proposes not to require its customers to provide financial assistance to their ultimate consumers, as some have contended, but rather to offer technical assistance where needed to encourage and assist its customers to develop and conduct conservation programs reasonably within their capabilities. SEPA believes its proposed promotional activities are well within its statutory mandate.

Changes or Revisions in Proposed Marketing Policy

The Introductory section (General) has been revised to specify that the length of implementing contracts would be approximately 10 years.

The *Marketing Area* section has been revised to eliminate the Kentucky Power Company and Nantahala Power & Light Company areas. The quantities of power going into these areas would be de minimis and would not at this time justify the marketing effort. Because the preference loads will grow over time, these areas will again be considered during future marketing policy reviews.

In the *Allocation of Power* section, the amounts of capacity and energy going to or for the benefit of preference entities in the marketing area have been selected and made specific. The amounts are believe to be realistic in the light of the product available, types of recipients and financial impact.

The *Utilization of Utility Systems* section has been revised to provide for the most feasible and desirable impact of Cumberland power upon using systems while maintaining essential operating control by SEPA and the Corps of Engineers.

Finally, the *Conservation Measures* section has been revised to clarify SEPA's role as promotional in nature.

Final Power Marketing Policy

Cumberland Projects

General. The projects and power subject to this policy are:

Projects	Capacity (kilowatt) (nameplate)	Energy (megawatt-hours) (average annual)
Barkley	130,000	[1]550,000
Center Hill	135,000	385,000
Cheatham	36,000	165,000
Cordell Hull	100,000	360,000
Dale Hollow	54,000	125,000
Laurel	61,000	69,000
Old Hickory	100,000	475,000
J. Percy Priest	28,000	72,000
Wolf Creek	270,000	920,000

[1] Does not include increased output resulting from Barkley-Kentucky Canal.

The policy for the Cumberland System of Projects will be implemented as to existing customers as existing contracts, or necessary extensions thereof, expire; as to new customers, as implementing contracts can be completed. Existing contracts will expire June 30, 1983.

The policy will be implemented through negotiated contracts for terms of approximately 10 years.

SEPA will seek the use of transmission facilities owned by TVA

and other utilities within the marketing area for all necessary purposes including bulk transmission and transmitting to load centers where required. Power deliveries may be made at the projects, at utility interconnections with TVA or at customer substations, as determined by SEPA. The projects will be hydraulically, electrically and financially intergrated and will be operated to make approximate contribution to the TVA System and to permit deliveries to the other utility areas within the selected marketing area. Reference in the sale of power be given to public bodies and cooperatives.

Marketing Area. The marketing area will be the TVA service area and the service areas of the following utilities: Big Rivers Electric Corporation; Carolina Power & Light Company, Western Division; East Kentucky Power Cooperative; Kentucky Utilities Company; Mississippi Power and Light Company; and Southern Illinois Power Cooperative. The utilities other than TVA are either connected to the Cumberland projects, or to the TVA transmission System and are not now receiving or under consideration to receive power from other SEPA systems. The geographic marketing area will consist of approximately 148,000 square miles. Except where duplication of allocations would result, public bodies and cooperatives located outside the TVA service area and listed on Appendix A attached hereto are eligible to share in Cumberland power marketable under this policy; provided that Cumberland power shall not be made available to meet any portion of any preference entity demand within the selected Cumberland marketing area which is in part required to be met by power from any other SEPA system.

Allocation of Power. Power available under this policy for allocation from the Cumberland System will be peaking power only. The power will be divided into two categories: (1) Power available for sale outside the TVA service area and (2) power sold to TVA for use within the TVA area. SEPA will allocate available Cumberland capacity to or for the benefit of public bodies and cooperatives throughout the entire marketing area so that all such customers will be able to have met from total Federal hydro power available to them approximately the same percentage of their 1978 peak demand requirements. To accomplish this division and distribution, SEPA will allocate from system generation to public bodies and cooperatives outside the TVA area an estimated 19 to 20 percent of the 1978 peak load demands of eligible public bodies and cooperatives listed on Appendix A. The energy accompaniment of such capacity will be 1,500 kilowatt-hours per kilowatt per year (1,280 firm, the remainder usable secondary), except that if additional energy is required in given utility areas to make viable capacity allocations under acceptable arrangements such additional energy (secondary) will be made available from the Cumberland projects. All remaining capacity and energy will be allocated to TVA for the benefit of public bodies and cooperatives in its area.

Utilization of Utility Systems. In the absence of transmission facilities of its own, SEPA will acquire the use of area generation and transmission systems to integrate the Cumberland projects, provide firming, wheeling, exchange and other functions as may be necessary to dispose of system power under reasonable and acceptable marketing arrangements. Utility systems providing such services shall be entitled to adequate compensation. SEPA will make declarations of all energy available from the Cumberland System to TVA and cooperatively determine the magnitude of delivery from particular projects in accordance with acceptable procedures generally followed by SEPA and the Corps of Engineers with respect to its other systems. TVA will schedule all of the power to generally meet its own system requirements and will transmit portions of such power to its interconnections in response to allowable schedules submitted by neighboring utilities entitled to receive under appropriate arrangements designated quantities of system power. Specific terms and conditions of arrangements between SEPA and TVA and SEPA and the other utilities will be the subject of negotiations. Distribution preference agencies directly affected by negotiations with wheeling utilities shall stand in an advisory role to SEPA and shall be involved as determined by SEPA and otherwise kept currently advised as to the status and progress of negotiations.

Wholesale Rates. Rate schedules shall be drawn so as to recover all costs associated with producing and transmitting the power in accordance with then current repayment criteria. Production costs will be determined on a system basis and rate schedules will be related to the integrated output of the projects. Transmission costs may cause rate schedules to vary between utility areas. Rate schedules may be revised periodically.

Resale Rates. Resale rate provisions requiring the benefits of SEPA power to be passed on to the ultimate consumer will be included in each SEPA customer contract which provides for SEPA to supply more than 25 percent of the customer's total power requirements during the term of the contract.

Conservation Measures. Each customer purchasing SEPA power shall agree to take reasonable measures to encourage the conservation of energy by ultimate consumers.

Appendix A—Preference Agencies in the Cumberland System Area

Kentucky

Big Rivers Electric Corporation
Member Cooperatives:
- Green River EC
- Henderson-Union REC
- Meade County REC
- Jackson-Purchase EC

Associated Utilities:
- Henderson Municipal Power & Light

East Kentucky Power Cooperative, Inc.
Member Cooperatives:
- Big Sandy REC
- Blue Grass REC
- Clark RECC
- Cumberland Valley REC
- Farmers REC
- Fleming-Mason REC
- Grayson REC
- Harrison REC
- Inter-County REC
- Jackson County REC
- Licking Valley REC
- Nolin REC
- Owen County REC
- Salt River REC
- Shelby REC
- South Kentucky REC
- Taylor County REC

Kentucky Utilities Company Area
- Barbourville
- Bardstown
- Bardwell
- Benham
- Corbin
- Falmouth
- Frankfort
- Madisonvill
- Nicholasville
- Paris
- Providence

Associated Utilities:
- Owensboro Municipal Utilities

Mississippi

Mississippi Power & Light Company area
- Canton
- Clarksdale
- Durant
- Greenwood
- Itta Bena
- Kosciusko
- Leland
- Yazoo City
- Coahoma EPA
- Delta EPA
- Magnolia EPA
- Southern Pine EPA
- Southwest Mississippi EPA

Twin County EPA
Yazoo Valley EPA

NorthCarolina

Carolina Power & Light Company Area
(Western Division)
Waynesvill
French Broad EMC
Haywood EMC

Illinois

Southern Illinois Power Cooperative

Member Cooperatives:
Egyptian ECA
Southeastern Illinois EC
Southern Illinois EC

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ENVIRONMENTAL PROTECTION AGENCY

[PF-310; PH-FRL-2319-7]

Pesticide and Feed Additive Petitions; FMC Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment and/or amendments of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below: Registration Division (TS-767C), Office of Pecticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-310] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

A. Initial Filing

1. *PP 3F2817.* FMC Corporation, 2000 Market St., Philadelphia, PA 19103. Proposes amending 40 CFR Part 180 by establishing tolerances for the combined residues of the insecticide carbosulfan (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-[(dibutylamino) thio] methylcarbamate) plus (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate, and its carbamate cholinesterase inhibiting metabolites 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate; 2,3-dihydro-2,2-dimethyl-3-keto-7-benzofuranyl-*N*-methylcarbamate); and its phenolic metabolites (2,3-dihydro-2,-dimethyl-7-benzofuranol; 2,3-dihydro-2,2-dimethyl-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol) and its metabolite (di-*n*-butylamine) in or on the following commodities at the levels stated as follows:

a. Eggs and poultry at 1.1 part per million (ppm) total of which no more than .05 ppm is carbosulfan and its cholinesterase inhibiting metabolites, and 0.05 ppm is the metabolite di-*n*-butylamine.

b. Kidney and liver of cattle, goats, hogs, horses, and sheep at 8.1 ppm total, of which no more than .08 ppm is carbosulfan and its cholinesterase inhibiting metabolites, and 8.0 ppm is the metabolite di-*n*-butylamine.

c. Meat, fat and meat by products (except liver and kidney) of cattle, goats, hogs, horses and sheep at 1.1 ppm total, of which no more than .02 ppm is carbosulfan and its cholinesterase inhibiting metabolites, and 0.1 ppm is the metabolite di-*n*-butylamine.

d. Milk at 1.6 ppm total, of which no more than 0.02 ppm is carbosulfan and its cholinesterase inhibiting metabolites, and 1.5 is the metabolite di-*n*-butylamine.

e. Sorghum fodder at 10.0 ppm total, of which no more than 1.5 ppm is carbosulfan, 1.5 ppm cholinesterase inhibiting metabolites, and 2.0 ppm is its di-*n*-butylamine metabolite.

f. Sorghum grain at 4.5 parts per millien (ppm) total, of which no more than 0.03 ppm is carbosulfan, 0.7 ppm cholinesterase inhibiting metabolites, and 1.5 ppm is its di-*n*-butylamine metabolite. The proposed analytical method for determining residues is by gas chromatography using a nitrogen-phosphrous detector. (PM-12, Jay Ellenberger, 703-557-2386).

2. *PP 3F2818.* Ciba Geigy Corp., P.O. Box 18300, Greensboro, NC, 27419. Proposes amending 40 CFR 180.408 by establishing tolerances for the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, and *N*-[2-(hydroxymethyl)-6-methylphenyl]-*N*-(methoxyacetyl) alanine each expressed as metalaxyl in or on the commodities soybean fodder and forage at 7.0 ppm, and grain at 0.5 ppm. The proposed analytical method for determining residues is gas chromatography using an alkali flame ionization detector. (PM-21, Henry Jacoby, 703-557-1900).

3. *FAP 3H5382.* Ciba Geigy Corp. Proposes amending 21 CFR Part 561.273 by establishing a regulation permitting the combined residues of the fungicide metalaxyl and its metabolites in or on the commodities soybean hulls, meal, and soapstock at 1.0 ppm. (PM-21, Henry Jacoby, 703-557-1900).

4. *PP 3F2799.* Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804-0036. Proposes amending 40 CFR 180.108 by establishing tolerances for the combined residues of the insecticide acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite *O,S*-dimethyl phosphoramidothioate in or on the commodity potatoes at 1.0 ppm. The proposed analytical method for determining residues is gas chromatographic method using a thermionic detector. (PM-16, William Miller, 557-2600).

5. *FAP 3H5380.* Chevron Chemical Co. Proposes amending 21 CFR 561.20 by establishing a regulation permitting the combined residues of the insecticide acephate and its cholinesterase-inhibiting metabolite *O,S*-dimethyl phosphoramidothioate in or on dried potato waste at 4.0 ppm when present as a result of the application of acephate to the growing crop, potatoes. (PM-16, William Miller, 703-557-2600).

6. *PPm 1F2430.* Shell Oil Co., Suite 200, 1025 Connecticut Ave., NW., Washington DC 20036. Proposes to amend 40 CFR 180.379 by establishing tolerances for residue of the insecticide cyano (3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate in or on the commodities pop corn, cobs and kernels at 0.01 ppm. The proposed analytical method for determining residues is by gas chromatography. (PM-17, Franklin D. R. Gee, 703-557-2690).

B. Amended Petitions

1. *PP 3F2815.* Diamond Shamrock Corp., 1100 Superior Ave., Cleveland, OH, 44114. EPA issued a notice published in the **Federal Register** of

September 29, 1982 (47 FR 42741) that announced that Diamond Shamrock Corp. had submitted pesticide petition 2F2602 to the Agency proposing to amend 40 CFR 180.275 by establishing tolerances for the combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the commodity peaches at 0.5 ppm. Diamond Shamrock Corp. has amended the petition by increasing the tolerance level on peaches to 3.0 ppm. The proposed analytical method for determining residues is by gas chromatography. (PM–21, Henry Jacoby, 557–1900).

2. *PP 3F2773.* Union Carbide Corp., T.W. Alexander Drive, Research Triangle Park, NC 27709. EPA issued a notice published in the **Federal Register** of December 22, 1982 (47 FR 57129) that announced that Union Carbide Corp., has submitted pesticide petition 3F2773 to the Agency proposing to amend 40 CFR 180.407 by establishing tolerances for the combined residues of the insecticide thiodicarb (dimethyl *N*',*N*'-(thiobis[(methylimino)-carbonyloxy)] bis(ethanimidothioate)) and its metabolite methomyl, *N*-((methylcarbamoyl)oxy) thioacetimidate in or on the commodities field corn grain at 0.05 ppm, sweet corn kernels (plus cob) at 1.5 ppm, and field corn fodder and forage at 60.0 ppm.

Union Carbide has amended the petition by deleting the proposed tolerances for field corn fodder and forage and proposing tolerances for corn fodder and forage at 60.0 ppm. The proposed analytical method for determining residues is liquid chromatography. (PM–12, Jay Ellenberger, 703–557–2386).

3. *PP 1F1083.* Olin Corp., P.O. Box 30–275, 275 S. Winchester Ave., New Haven, CT 06511. EPA issued a notice published in the **Federal Register** of December 15, 1971 (36 FR 23836) that announced the Olin Corp., had submitted pesticide petition 1F1803 to the Agency proposing to amend 40 CFR 180.291 by establishing tolerances for the residues of the fungicide pentachloronitrobenzene in or on the various raw agricultural commodities.

Olin Corp. has amended the petition as follows:

a. Establish tolerances for combined residues of pentachloronitrobenzene and its metabolites pentachloronitroanaline and methyl pentachlorophenyl sulfide and impurities pentachloronitrobenzene and hexachlorobenzene at 0.1 ppm with no more than 0.02 ppm for residues of hexachlorobenzene (HCB) for bananas, broccoli, brussel sprouts, cabbage, cauliflower, garlic, peppers, potatoes, and tomatoes.

b. Increase tolerance levels of combined residues for: beans from 0.1 to 0.2 ppm with no more than 0.02 ppm for residues of HCB; peanuts from 1.0 to 2.0 ppm with no more than 0.4 ppm for residues of HCB.

c. Establish tolerances for combined residues in fat of cattle, goats, hogs, horses, poultry, and sheep at 0.15 ppm with no more than 0.05 ppm for residues of HCB; meat and meat byproducts of cattle, goats, hogs, horses, poultry, sheep, milk and eggs at 0.05 ppm with no more than 0.02 ppm residues of HCB; and peanut hulls at 5.0 ppm with no more than 0.3 ppm residues of HCB. The proposed analytical method for determining residues is gas chromatography with electron capture detection. (PM–21, Henry Jacoby, 703–557–1900).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: March 1, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-6304 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

[PF–314–PH–FPC 2319–6]

Pesticide and Feed Additive Petitions; Monsanto Co., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF–314] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

A. Initial Filing

1. *PP 3F2809.* Monsanto Co., 1101 17th, St., NW., Washington, D.C. 20036. Proposes amending 40 CFR 180.364 by establishing tolerances for the combined residues of the herbicide glyphosate (*N*-phosphenomethyl glycine) and its metabolite aminomethylphosphonic acid in or on the commodity wheat (grain) at 0.2 part per million. The analytical method for determining residues is high pressure liquid chromatography (HPLC). (PM–25, Robert Taylor, 703–557–1800).

2. *FAP 3H5388.* Uniroyal Chemical, Division of Uniroyal Inc., 74 Amnity Rd., Bethany CT, 06525. Proposes amending 21 CFR Part 561 by establishing a regulation permitting residues of the fungicide carboxin (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide) and its metabolite 5,6-dihydro-3-carboxanilide-2-methyl-1,4,oxathiin-4-oxide and other aniline liberating metaboites (calculated as carboxin) in or on the commodity peanut meal at 6.0 ppm. (PM–21, Henry Jacoby, 703–557–1900).

3. *PP 3F2827.* Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419. Proposes amending 40 CFR 180.408 by establishing tolerances for the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)-alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, and *N*-(2-hydroxy methyl-6-methyl)-*N*-(methoxyacetyl)-alanine methylester, each expressed as metalaxyl, in or on the commodities brassica (cole) leafy vegetables, fruiting vegetables (cucurbits), fruiting vegetables (execpt cucurbits), leafy vegetables (except brassica), leaves of root and tuber vegetables, root and tuber vegetables, and sunflower at 0.1 ppm. The proposed analytical method for determining residues is radioactive counting and gas chromatography. (PM–21, Henry Jacoby, 703-557-1900).

B. Amended Petitions

PP 9F2187. Uniroyal Chemical. EPA issued a notice published in the **Federal Register** of April 13, 1979 (44 FR 22175) that announced that Uniroyal Chemical Corp., had submitted pesticide petition 9F2187 to the Agency proposing to amend 40 CFR 180.301 by establishing tolerances for the combined residues of the fungicide carboxin in or on the commodities peanuts, peanut seeds, and hulls at 5.0 ppm.

Uniroyal Chemical Corp. has amended the petition by decreasing the tolerance in peanuts from 5.0 to 3.0 ppm. The proposed analytical method for determining residues is by hydrolysis-to-aniline method and color test with *p*-dimethylaminobenzaldehyde (for plant tissue), and by hydrolysis and gas chromatography of the liberated aniline using a nitrogen-specific detector (for seed). (PM–21, Henry Jacoby 703–557–1900).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: February 25, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-6303 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP–31015A; PH–FRL 2319–4]

M and T Chemicals, Inc.; Approval of Application to Conditionally Register a Pesticide Product Involving A Changed Use Pattern

AGENCY: Environmental Protection Agency (EPAP).

ACTION: Notice.

SUMMARY: EPA has approved the application by M and T Chemicals, Inc. to register the antifoulant BioMet ™ 204 AF–14 Red Antifouling Paint. The registration involves a changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Inseticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of May 10, 1978 (43 FR 20052) which announced that M and T Chemicals, Inc., PO Box 1104, Rahway, NJ 07065, had submitted an application to register the antifoulant Biomet Antifouling Paint containing 15.0 percent of the active ingredient triphenyltin fluoride. The application proposed that the use pattern of the product be changed from technical for reformulating into antifouling paints to an active ingredient in antifouling formulation. The application also proposed that the product be classified for general use.

The application was approved on January 10, 1983 for general use as "BioMet ™" 204 AF–14 Red Antifouling Paint" with 10.9 percent of the same active ingredient. The product was assigned EPA Registration No. 5204–60.

A copy of the approved label and the list of data references used to support registation are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), EPA, 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: February 28, 1983.

Edwin L. Johnson,

Director, Office of Pesticide programs.

[FR Doc. 83-6300 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

[OGC–FRC 2322–4]

Enforcement Guidance

AGENCY: Environmental Protection Agency.

ACTION: Enforcement guidance.

SUMMARY: The Environmental Protection Agency is publishing a memorandum providing enforcement guidance regarding whether burning low energy hazardous wastes for ostensible energy recovery purposes can be considered to be legitimate recycling activity within the meaning of 40 CFR 261.6(a)(1). Application of the guidance will vary in individual cases according to specific circumstances.

FOR FURTHER INFORMATION CONTACT: Steven Silverman, Esq., Attorney, Office of General Counsel (202–382–7706).

Dated: March 8, 1983.

Robert M. Perry,

Associate Administrator and General Counsel.

(The memorandum containing the enforcement guidance is set out below)

January 18, 1983.

Memorandum

Subject: RCRA Enforcement Guidance: Burning Low Energy Hazardous Wastes Ostensibly for Energy Recovery Purposes

From: Rita Lavelle, Assistant Administrator for Solid Waste and Emergency Response

Robert M. Perry, Associate Administrator and General Counsel

To: Regional Administrators, Regional Counsels, Directors, Air and Hazardous Materials Divisions

I. Introduction

A. Purpose

This memorandum provides guidance to determine when burning hazardous waste or hazardous waste-derived fuels in boilers will be considered legitimate recycling under 40 CFR 261.6(a)(1), the regulations implementing Subtitle C of the Resource Conservation and Recovery Act (RCRA). This memorandum also provides guidance regarding the possible obligation of generators, fuel blenders, distributors and ultimate users of these materials to comply with regulations promulgated under Sections 3002–3005 of RCRA. While this guidance sets out general rules, they may vary in particular cases depending upon individual circumstances.

B. Regulatory Background

On May 19, 1980, as part of the final and interim final regulations implementing RCRA, EPA promulgated an exemption from regulation for certain hazardous wastes being beneficially used, reused, recycled, or reclaimed (referred to collectively throughout this memorandum as "recycled"). This exemption, contained in 40 CFR 261.6, applies to two categories. First, certain hazardous wastes are totally exempt from regulation if they are to be recycled. These are hazardous wastes that are not sludges, that exhibit a characteristic of hazardous waste, and that are not listed in 40 CFR 261.31 or 261.32. (See § 261.6(a).) Second, listed wastes and hazardous sludges are subject to regulation until they are recycled. (See § 261.6(b).) In either category, hazardous wastes are not subject to regulation during the actual process of recycling.

The preamble to the regulation explained that the exemption "is confined to bona fide 'legitimate' and 'beneficial' uses and recycling of hazardous wastes. Sham uses * * * are not within its scope and, if conducted in violation of Subtitle C requirements, will be subject to enforcement * * *." (45 FR at 33093, May 19, 1980.)

II. General Distinctions Between Burning as Legitimate or Sham Recycling

A. Energy Value of Wastes Being Burned

Burning of hazardous wastes [1] as fuels can be a type of recycling activity exempted from

regulation provided the blending and burning constitute legitimate, and not sham, recycling. A determination of what constitutes sham burning depends ultimately on weighing a number of factors presented by the circumstances of a particular case. The energy value of the hazardous wastes being blended or burned, however, is likely to be of primary significance in most cases.

The significance of a waste's energy value is evident: if the wastes being burned have only *de minimis* energy value, the burning cannot recover sufficient energy to characterize the practice as legitimate recycling. In other words, energy recovery is ancillary, and the wastes, for practical purposes, are being burned to be destroyed. As the Agency said on May 19, 1980, "burning organic wastes[1] that have little or no heat value in industrial boilers under the guise of energy recovery" is not within the exemption for recycling (45 FR at 33093). Consequently, EPA ordinarily views the practice of direct burning of hazardous wastes with little or no heat value as "fuels" as not being legitimate recycling.

Burning mixtures of hazardous wastes as fuels, or burning mixtures of wastes and non-waste fuel, when one or more of the hazardous wastes in the fuel has little or no heat value may likewise not be legitimate recycling. Determinations as to whether the recycling is legitimate will be based on evaluation of particular circumstances. For example, the amount of low energy waste in a fuel and the circumstances of its addition to the fuel could be relevant, as could the nature of the boiler in which the waste is burned, *i.e.*, its type, size, operating conditions, etc. Practices where wastes with little or no heat value are knowingly added to a material intended to be burned as a fuel are likely to be considered sham recycling and not covered by the exemption contained in § 261.6(a), *e.g.*, mixing of low and high energy waste streams by a blender or waste burning facility.[2]

In determining which hazardous wastes have little or no heating value, EPA enforcement personnel should use as a benchmark wastes with a heating value less than low energy commercial fuels such as wood or low grade subbituminous coal.[3] Examples of hazardous waste having little or no heating value are discarded carbon tetrachloride, chloiroform, methylene chloride, trichloroethylene, 1,1,1,- and 1,1,2-Trichloroethane, certain polychlorinated biphenyls, and such pesticides as toxaphene, chlordane and heptachlor. Attached as Appendix A is a partial list of the hazardous constituents in appendix VIII to Part 261 that have heating values well below those of commercial fuels.[4] Wastes with these characteristics are usually not being recycled legitimately because their energy value is so low when burned. This remains true whether or not these wastes are first blended with other materials before burning.

B. Other Criteria

Other considerations also are likely to be relevant in determining if particular burning operations are within the scope of the recycling exemption—even if low energy wastes are not involved. Factors such as whether usable heat is recovered from the unit, or whether recovered heat is used only to preheat combustion air, certainly are pertinent. The nature of the device in which wastes are burned also could be significant. For instance, if a combustion unit previously held out as an incinerator is subsequently described as a boiler, there is a strong suggestion that any energy recovery is ancillary to the central purpose of the unit. In addition, the degree to which wastes were consumed during the burning, the net cost or savings resulting from a burn allegedly for energy recovery purposes, and evidence, such as correspondence, or other records, which tends to show that a company's purpose in conducting a burn was to dispose of, rather than recycle, hazardous wastes, may also affect EPA's enforcement response to a particular incident.

III. Enforcement Priorities

In implementing this guidance, enforcement personnel should direct their enforcement efforts on hazardous waste-derived fuel blenders who supply non-industrial users. Fuel blenders are a logical focal point because they most frequently control the content and destination of waste-derived fuels. In addition, many of these blenders are subject to regulation as RCRA storage facilities because they are recycling listed hazardous wastes (see 40 CFR 261.6(b)), and are therefore readily identifiable.

Most of EPA's enforcement efforts will be directed toward fuels destined for use in non-industrial (*i.e.* residential, commercial and institutional) boilers. These boilers typically are of relatively small size, achieve relatively low fuel efficiency, temperature, and residence times, lack emission controls, and receive limited maintenance. Operators of these boilers rarely test their fuels for hazardous waste contaminants since they are often not informed they are receiving hazardous waste-derived fuels. These factors all contribute to a reduced likelihood that these boilers can derive useful heat from hard to burn hazardous wastes contained in a fuel. (They also increase the likelihood that these boilers will be damaged by corrosion from hydrochloric acid emissions resulting from chlorinated contaminants.)

Thus, the waste contaminants in the fuels going to these boilers are likely to be vented to the atmosphere as unburned or partially burned combustion products. In addition, these boilers are often located in densely populated areas where exposures to unburned contaminants are probable. The risk to human health and the environment could be considerable because many wastes added to fuels are acutely and chronically toxic. Burning chlorinated contaminants also can form other hazardous materials such as hydrochloric acid, phosgene, or chlorinated dioxins unless burning occurs at high temperatures and for long residence times, increasing the potential for harm.

It seems clear that fuels contaminated with low energy hazardous wastes do not present the same level of danger when burned in higher efficiency industrial boilers. These boilers typically are designed to maximize energy recovery, through high temperature combustion and long feed residence time. Operators generally are more sophisticated and technically knowledgeable than nonindustrial boiler operators.

Accordingly, EPA is directing its enforcement efforts to deal with what appears to be the greater environmental threat. This is not to say that particular industrial boilers burning hazardous waste-derived fuels necessarily are engaged in legitimate recycling. Rather, EPA is simply directing the primary focus of its enforcement activity at the more clear-cut violation.

IV. Implementation of This Guidance

A. How EPA Will Determine That Blended Fuels Contain Low Fuel Value Hazardous Wastes

EPA's authority under RCRA Subtitle C is limited to hazardous wastes. Thus, in determining if a waste-derived fuel is bing recycled legitimately or illegitimately it is first necessary to show that the fuel contains a hazardous waste.

Hazardous wastes burned without prior blending can be analyzed directly for energy value (and where appropriate, for the

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[1] Under the regulations, all sludges, and most spent materials and by-products burned for energy recovery are "solid wastes", and so can be hazardous wastes. This is because sludges, and "other waste materials," are defined as solid wastes (40 CFR 261.2(a)). "Other waste materials," in turn, are defined as spent materials and byproducts that are "sometimes * * * discarded" (§ 261.2(b) (2) and (3)), that is, sometimes thrown away and not recycled (§ 261.2(c)). The "sometimes discarded" test applies to all persons handling a spent material or byproduct, so that if one of those materials is discarded by particular generators, it is a solid waste even when recycled by other generators (see 45 FR 33093-094).

[2] We consider wastes that are ot being burned legitimately to be burned for the primary purpose of destruction, within the meaning of 40 CFR 260.10(a) (definition of "incinerator"). The reference to "primary purpose" in that provision thus applies with regard to each individual feed input to a thermal combustion unit. If the particular input has little or no fuel value, it is being burned for the purpose of destruction. Consequently, the device in which these "fuels" are burned is an incinerator, and the burning is subject to regulation under Subpart D of Parts 264 and 265 of the RCRA regulations.

[3] Woods used as fuel have a range of heating values based on the type of wood, its physical form and its moisture content. These values range from approximately 5,000 to 8,000 Btu per pound. Subbituminous C coal has a heating value of approximately 8,300 Btu per pound. (In contrast, home heating oil has a heating value of roughly 19,900 Btu per pound, and bituminous coals have heating values ranging from 11,000–14,000 Btu per pound.) U.S. EPA, *APTI Course 427 Combustion Evaluation*, EPA 450/2–80–063 (February, 1980).

[4] It must be remembered that the heating value of each hazardous *waste* that is burned or is used to produce a fuel is relevant, not the heating value of a particular contaminant in each waste stream (unless the contaminant itself is a hazardous waste). Thus, if trichloroethylene still bottoms are burned for energy recovery or used as an ingredient in a fuel, the heating value of the still bottoms is the important figure, not the heating value of pure trichloroethylene.

circumstances of burning) to determine if the recycling is legitimate. Blended fuels, however, present a less clear-cut situation. In determining if these fuels contain low energy wastes, we intend to concentrate on the fuel's organic contaminant content. If fuels contain significant concentrations of low energy organic contaminants not ordinarily present in virgin or unadulterated secondary fuels, this should be sufficient to determine that these toxicants were added as wastes. Inspectors should also examine records and sample incoming waste shipments at blending facilities to ascertain the identity of the wastes included in the fuels.

Investigative activities should focus particularly on the chlorinated solvents listed in 40 CFR 261.31 and 261.33 (other than chlorofluorocarbons, which are ozone depleters and not otherwise toxic).[5] For these materials, the contaminant itself is the same waste that is listed. Chlorinated solvents also are not ordinarily present in virgin fuels;[6] nor are they typically present in waste oils, or other wastes normally used in waste-derived fuels, at significant concentrations unless they have been added to the waste oil as a separate waste stream.[7]

In addition, chlorinated solvents typically have very low heating value. Such widely-used solvents as carbon tetrachloride, chloroform, methylene chloride, trichloroethylene and 1,1,1- and 1,1,2-trichloroethane have heating values much lower than wood. Of the chlorinated solvents that are hazardous wastes when discarded (see 40 CFR 261.33), or are hazardous wastes when spent (EPA Hazardous Wastes F001 and F002, listed in 40 CFR 261.31), all except dichlorobenzene have heating values less than that of subbituminous coal.

Although fuel blenders (or other persons) may maintain, in defending a civil action, that the low energy fuel contaminants are not present as a result of adulterating the fuel with a hazardous waste, it is their burden to substantiate such a claim. The source of wastes in the fuel are particularly within the fuel blender's knowledge, and so it is appropriate that they have this burden.

B. Obligations of Generators, Fuel Blenders and Users to Determine if Their Waste-Derived Fuels Can Be Recycled Legitimately

Generators of listed wastes and sludges are presently subject to the requirements of Part 262 of the regulations when they send these wastes to fuel blenders or users (see § 261.6(b)). These requirements apply whether or not the wastes can be recycled legitimately.[8]

Generators who claim that their non-sludge, unlisted wastes are exempt from regulation because the wastes will be burned for energy recovery ordinarily must be able to substantiate that the wastes have value as fuels in order to protect themselves from liability. Consequently, generators need to know the heating value of these wastes. Btu values can be determined by a relatively simple laboratory test. In many cases, generators also will know from experience that their wastes have legitimate fuel value. Spent benzene and spent acetone, for example, have high fuel value, as do most other ignitable wastes.

Waste-derived fuel blenders are responsible for ensuring that low energy value hazardous wastes are not blended into fuels. In addition, blenders receiving listed hazardous wastes and sludges are presently subject to regulation as storage facilities. Consequently, they must comply with the administrative and technical standards for storage facilities contained in Parts 264 and 265. (These requirements apply, of course, even if the wastes are being recycled legitimately.)[9]

We note that this requirement does not impose significant burdens on fuel blenders. In most cases, they are RCRA facilities handling listed hazardous wastes (most often listed solvents). They must consequently receive these wastes in shipments accompanied by a manifest (see § 261.6(b) (4) and (5)), and are therefore on notice that they are blending these wastes into fuels. They likewise are subject to waste analysis requirements (see §§ 264.13 and 265.13). They also can analyze their incoming wastes and blended fuels for total halogen content—a simple procedure that can be performed on-site—to ensure that waste-derived fuels do not contain high levels of low energy chlorinated wastes.

Waste-derived fuels that cannot be legitimately recycled remain subject to regulation as hazardous wastes through the time they are burned. As a result, they must travel with a manifest (see 40 CFR 262.10(f), 264.71(c), and 265.71(c)), be transported by a Part 263 transporter, and be sent to a Subtitle C facility. The persons who ultimately burn the material are hazardous waste incinerator facilities because their fuels cannot be recycled legitimately in their boilers.

As stated above, EPA is directing its enforcement efforts to concentrate on low energy waste-derived fuels used in non-industrial boilers. EPA does not intend to require that these users immediately obtain incinerator permits. Rather, we will seek through negotiation that they end the practice. If the user continues burning these waste-derived fuels after initial warning EPA will then initiate appropriate enforcement action.

C. Examples of How This Guidance Could Operate

1. Company B generates a distillation bottom that is listed as a hazardous waste. B burns this waste in its on-site boiler. The waste has a heating value of 2000 Btu per pound.

B is subject to regulation as a generator, as a storage facility (if it stores the waste for more than 90 days prior to burning it), and as an incineration facility. The waste is not being burned for energy recovery, but to be incinerated, because its heating value is well below that of low-grade commercial fuel. It does not matter whether B burns other material in the boiler for legitimate energy recovery. B still is not engaged in legitimate recycling activity when it burns a material with little or no fuel value. (Incidentally, this result is the same if the hypothetical distillation bottom exhibited a characteristic of hazardous waste instead of being listed.)

2. A fuel oil dealer, Company C, obtains waste oil from a number of different generators. C obtains hazardous waste spent solvents carbon tetrachloride, methylene chloride, and trichloroethylene from other generators and mixes these wastes with the waste oil. These wastes contain very high concentrations of chlorinated solvents, and these solvents also are present in the blended fuels. C then sells the waste-derived fuel to apartment buildings and hospitals. These users burn the fuel in their boilers.

Generators of the spent solvents are subject to regulation under Part 262, and the solvents must be transported to C's facility by a Part 263 transporter. C is a storage facility, assuming it stores the solvents before blending them with the waste oil. The blending operation constitutes hazardous waste treatment.

The waste-derived fuel that C sells remains subject to regulation as a hazardous waste because it contains hazardous waste chlorinated solvents that have little fuel value. (The heating values of these solvents are even lower than wood.) Consequently, these waste-derived fuels must travel with a manifest, be transported by a Part 263 transporter, and be sent to Subtitle C facilities. Distributors handling these wastes are RCRA storage facilities, and are subject to manifesting requirements when they initiate shipments to ultimate users. The

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[5] Burning a material listed in 40 CFR 261.33 in a manner that does not constitute legitimate recycling is a means of discarding them (see 40 CFR 261.2(c)(2) (definition of "discarded")). These materials consequently can be hazardous wastes when burned.

[6] The National Bureau of Standards has sampled No. 6 residual fuel oil—the lowest grade commercial fuel oil—and found the samples to contain only 31 ppm total chlorine. National Bureau of Standards, *Trace Elements in Fuel Oil* (February, 1982).

[7] Automotive oils do not typically come into contact with solvents when used. Industrial oils may, but usual practice is simply to collect used oils and spent solvents, mix them, and to ship the mixed wastes to waste management facilities. The solvents thus are present in this type of mixture as a separate hazardous waste stream.

[8] It should be noted that small quantity generators who send wastes that cannot be recycled legitimately to a recycler (such as a fuel blender) are not in compliance with the terms of the small quantity generator exemption unless the recycler is already a Subtile C facility, or is authorized by a State to manage municipal or industrial solid waste. If a small quantity generator waste is sent to a non-conforming facility (*i.e.*, a facility that does not satisfy the requirements of § 261.5(g)), the waste remains subject to regulation.

[9] See § 261.6(b). It should be noted that not all of these facilities may be eligible for interim status, either because they were not in existence on November 19, 1980, or because they failed to notify the Agency of their activities or failed to submit a Part A permit application. Although the Agency cannot confer interim status on statutorily ineligible facilities, we have indicated that "we are prepared to exercise our enforcement discretion to allow such facilities to continue operating . . . where their continued operation would be in the public interest." (45 FR 78633 (November 25, 1980), interpreting statutory interim status requirements.) Means of exercising this discretion include our issuing an interim status compliance letter to the facility, or allowing the facility to operate pursuant to a Section 3008 compliance order (*id.*) pursuant to 40 CFR Part 122.22(a)(3).

persons who ultimately burn the fuel technically are hazardous waste incinerator facilities.

3. Company D generates waste oil and a variety of low energy spent chlorinated solvents that are listed hazardous wastes. D mixes the spent solvents with the waste oil and sends the mixture of a fuel blending facility, E, which processes the waste oil, and mixes it with virgin fuel oil. E then sells the blended mixture as a fuel.

D is a generator, operates a hazardous waste treatment facility, and also may be a storage facility it if accumulates the spent solvents for over 90 days.

Ordinarily the mixture of spent solvents and waste oil that D generates remains a hazardous waste, for the same reason as in the previous example. The fact that D is a generator rather than a fuel blender makes no difference. D is still blending hazardous wastes with *de minimis* fuel value into fuels. Any burning of such wastes is not legitimate recycling. The blended fuel consequently remains subject to regulation as a hazardous waste in the fuel blender's (E's) hands and in the hands of the ultimate users (as well as intervening distributors). The ultimate burning of the blended fuel constitutes incineration.

APPENDIX A.—LOW ENERGY HAZARDOUS CONSTITUENTS LISTED IN 40 CFR 261, APPENDIX VIII

Hazardous constituent	Higher heating value (Btus/lb.)
Tribromomethane	234
Tetrachloromethane	432
Hexachloroethane	827
Dibromomethane	899
Pentachloroethane	953
Hexachloropropene	1,259
Chloroform	1,349
Cyanogen bromide	1,457
Trichloromethanethiol	1,475
Hexachlorocyclopentadiene	2,015
Tetrachloroethene (Tetrachlorpehtylene)	2,141
Cyanogen chloride	2,320
Iodomethane	2,410
Tetrachloroethane, N.O.S.	2,500
1,1,1,2-Tetrachloroethane	2,500
1,1,2,2-Tetrachloroethane	2,500
1,2-Dibromomethane	2,572
1,2-Dibromo-3-chloropropane	2,662
Pentachlorobenzene	2,914
Bromomethane	3,058
Dichloromethane	3,058
Trichloroethene (Trichloroethylene)	3,130
Hexachlorobenzene	3,220
Bis (chloromethly) ether	3,544
1,1,1-Trichloroethane	3,580
1,1,2-Trichloroethane	3,560
Pentachlorobenzene	3,688
Pentachlorophenol	3,760
Hexachlorocyclopentadiene	3,778
Hexachlorocyclohexane	3,813
Kepone	3,867
2,3,4,6-Tetrachlorophenol	4,011
Dichlorophenylarsine	4,155
Endosulfan	4,191
1,2,4,5-Tetrachlorobenzene	4,695
Bromoacetone	4,785
Dichloroethylene, N.O.S.	4,857
1,1-Dichloroethylene	4,857
Vinylidene chloride	4,857
Chlordane	4,875
Heptachlor epoxide	4,875
Phenylmercury acetate	4,875
Acetyl chloride	4,983
Trichloropropane, N.O.S.	5,055
1,2,3-Trichloropropane	5,055
Dichloropropanol, N.O.S.	5,109
Dimethyl sulfate	5,145

APPENDIX A.—LOW ENERGY HAZARDOUS CONSTITUENTS LISTED IN 40 CFR 261, APPENDIX VIII—Continued

Hazardous constituent	Higher heating value (Btus/lb.)
2,4,5-T	5,163
2,4,5-Trichlorophenol	5,181
2,4,6-Trichlorophenol	5,181
N-Nitroso-N-methylurea	5,196
1,1-Dichloroethane	5,396
1,2-Dichloroethane	5,396
trans-1,2-Dichloroethane	5,396
Phenyl dichloroarsine	5,612
N-Nitrososarcosine	5,738
Azaserine	5,774
2-Fluoroacetamide	5,826
1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo, endo-dimethanonaphthalene	6,080
Benzenearsonic acid	6,116
Maleic anhydride	6,116
1,2,4-Trichlorobenzene	6,116
TCDD	6,170
Dichloropropene, N.O.S.	6,188
1,3-Dichloropropene	6,188
Endrin	6,224
Trinitrobenzene	6,224
Chloromethyl methyl ether	6,260
2,4-Dinitrophenol	6,332
Nitrogen mustard N-oxide and hydrochloride salt	6,404
Parathion	6,494
2,4-D	6,512
1,3-Propane sultone	6,602
Methyl methanesulfonate	6,728
Aldrin	6,748
Nitroglycerine	6,818
2,4-Dichlorophenol	6,854
2,6-Dichlorophenol	6,854
Hexachlorophene	6,871
Trypan blue	6,907
Benzotrichloride	7,015
Cycasin	7,105
N-Nitroso-N-ethylurea	7,105
Cyclophosphamide	7,141
Dichloropropane, N.O.S.	7,178
1,2-Dichloropropane	7,171
Methylparathion	7,145
Uracil mustard	7,145
Amitrole	7,213
Dimethoate	7,231
Tetraethyl lead	7,267
4,6-Dinitro-o-cresol and salts	7,303
N-Methyl-N-nitro-N-nitros-gsquanidine	7,303
Mustard gas	7,303
Dinitrobenzene, N.O.S.	7,465
N-Nitroso-N-methylurethane	7,519
Nitrogen mustard and hydrochloride salt	7,699
Hydrazine	7,987

[FR Doc. 83-6797 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP 100003; PH-FRL 2319-5]

Export Notification; Disclosure of Confidential Business Information to Congress

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Subcommittee on Labor Standards of the Committee on Education and Labor of the House of Representatives has requested information from EPA concerning notification of the export of unregistered pesticides under section 17(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). To comply with this request, EPA will provide copies of purchaser acknowledgment statements submitted under section 17(a) of FIFRA. Some of the information contained in these documents has been claimed as confidential by the exporters.

DATE: These documents will be provided to the subcommittee no sooner than March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Catleen McInerney, Office of International Activities (A-106), Environmental Protection Agency, Rm. W-811, 401 M St. SW., Washington, D.C. 20460 (202-382-4889). Outside the USA: (Operator-202-382-4889).

SUPPLEMENTARY INFORMATION: In a February 10, 1983 letter to EPA, the Chairman of the Subcommittee on Labor Standards of the House Committee on Education and Labor stated that there is underway an inquiry into the sale abroad of pesticides, devices, active ingredients or chemicals whose sale or use is prohibited within the United States. As part of the inquiry, the Chairman requested a copy of each notice filed with the EPA to comply with section 17(a) of FIFRA. All documents filed from the effective date of the 1978 FIFRA legislation to the present were requested.

Under section 17(a) of FIFRA, exporters of unregistered pesticides are required to obtain a statement by the foreign purchaser acknowledging that the pesticide in question is not registered for use in the United States and cannot be sold in the United States. Under EPA's policy statement implementing the requirements of section 17(a), the exporter is required to submit the acknowledgment statement to EPA together with a certification that shipment did not occur prior to receipt of the acknowledgment statement. EPA then provides a copy of the acknowledgment statement to the government of the importing country.

The documents which EPA will providing the Subcommittee may contain confidential business information. Exporters have been given the opportunity to claim information confidential in the notices submitted to EPA under section 17(a) of FIFRA and have made such claims. Pursuant to 40 CFR 2.209(b), which applies to information submitted under FIFRA by 40 CFR 2.307(h), EPA must provide confidential business information to a Congressional subcommittee in response to a written request by the Chairman. Before providing the information, EPA is required by 40 CFR 2.209(b) to notify the submitters of the information at least 10 days in advance of disclosure.

This is a notice under 40 CFR 2.209(b) to all exporters who have submitted notices under section 17(a) of FIFRA that EPA will provide the requested information to the Subcommittee no sooner than 10 days after publication of this notice. The Agency will identify any information that is subject to a confidentiality claim and will inform the Subcommittee of the provisions of section 10(f) of FIFRA which set criminal penalties for unlawful disclosure of confidential business information under FIFRA.

Dated: March 3, 1983.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-6302 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-311, PH-FRL 2321-5]

Certain Companies; Pesticide, Food, and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide, food, and feed additive petitions relating to the establishment and/or amendments of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below: Registration Division TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-311] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide, food, and feed additive petitions relating to the establishment and/or amendments of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

A. Initial Filing

1. *PP 3F2798.* Albany International Corp., 110 A St., Needham Heights, MA 02194. Proposes amending 40 CFR Part 180 by establishing an exemption from the requirements of a tolerance for residues of the insecticides plant volatiles: cyclic dexadiene, cyclic decene, cyclic pentadecatriene, and decatriene when used with grandlure: (1R-cis)-1-methyl-2-(1-methylethenyl) cyclobutaneethanol; (*Z*)-2-(3,3,-dimethylcyclohexylidene)ethanol, (*Z*)-(3,3-dimethylcyclohexylidene) acetaldehyde; and (*E*)-(3,3-dimethylcyclohexylidene)acetaldehyde as a barrier zone to control boll weevils in or on cotton. (PM-17, Franklin Gee, 703–557–2690).

2. *PP 9F2252.* Mobay Chemical Corp., PO Box 4913 Hawthorn Road., Kansas City, MO 64120. Proposes amending 40 CFR 180.349 by establishing tolerances for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)-phosphoramidate and its cholinesterase-inhibiting metabolites ethyl 3-methyl-4-(methylsulfinyl)phenyl (1-methylethyl)phosphoramidate, ethyl 3-methyl-4-(methylsulfonyl)phenyl (1-methylethyl)-phosphoramidate, ethyl 3-methyl-4-(methylthio)phenyl phosphoramidate, ethyl-4-(methylsulfinyl)phenyl phosphoramidate, and ethyl 3-methyl-4-(methylsulfonyl)phenyl phosphoramidate in or on the commodities meat, fat, and meat by products of cattle, goats, hogs, horses, and sheep at 0.05 ppm and milk at 0.002 or 0.01 ppm. The proposed analytical method for determining residues is gas chromatography using a thermionic flame ionization detector. (PM-21, Henry Jacoby, 703–557–1900).

3. *FAP 9H5238.* Mobay Chemical Corp. Proposes amending 21 CFR 561.232 by establishing a regulation permitting the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (l-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites ethyl 3-methyl-4-(methylsulfinyl)phenyl (1-methylethyl)phosphoramidate and ethyl 3-methyl-4-(methylsulfonyl)phenyl (1-methylethyl)phosphoramidate in or on the commodity dried apple pomace at 5.0 ppm. (PM-21, Henry Jacoby, 703–557–1900).

4. *FAP 3H5385.* ICI Americas, Inc., Wilmington, DE 19897. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the herbicide (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanioc acid (fluazifop), both free and conjugated, and of (±)-butyl 2[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the commodities soybean oil at 2 ppm and cottonseed oil at 0.2 ppm. (PM–23, Richard Mountfort, 703–557–1830).

4. *FAP 3H5385.* ICI America, Inc. Proposes amending 21 CFR Part 561 by establishing a regulation permitting residues of the herbicide (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanioc acid (fluazifop), both free and conjugated, and of (±)-butyl 2[4-[[5-(trifluoromethyl)-2-Pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the commodities soybean soapstock and soybean meal at 2 ppm and cotton seed soapstock at 0.2 ppm. (PM–23, Richard Mountfort, 703–557–1830).

6. *FAP 3H5383.* McLaughlin Gormley King Co., 8810 10th Ave., N. Minneapolis, MN 55427. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the insecticide cyano (3-phenoxyphenyl) methyl 4-chloro-alpha-(1-methylethyl) benzeneacetate as an indirect food additive when present in food items resulting from the use of the insecticide in food service, food manufacturing and/or food processing, and food warehousing establishments at 0.5 ppm (PM–17, Franklin Gee, 703–557–2690).

7. *PP 2F2761.* Sherex Chemical Co., Inc., 5777 Frantz Road., PO Box 646, Dublin, OH 43017. Proposes amending 40 CFR Part 180 by establishing an exemption from the requirements of a tolerance for residues of the insecticide poly(oxy-1,2-ethanediyl), alpha-isooctadecyl-omega-hydroxy in fish, shellfish, irrigated crops, meat, milk, poultry and eggs when used in accordance with good agricultural practice as a mosquito control agent in aquatic sites. (PM–16, William Miller, 703–557–2600).

B. Amended Petitions

1. *FAP 6H5149.* Mobay Chemical Corp., PO Box 4913, Hawthorn Road, Kansas City, MO 64120. EPA issued a notice published in the Federal Register of October 19, 1976 (41 FR 46020) that announced the Mobay Chemical Corp. had submitted feed additive petition 6H5149 to the Agency proposing to amend 21 CFR 561.232 by establishing a regulation permitting the use of the nematocide ethyl 3-methyl-4-

(methlythio)phenyl) (1-methylethly)phosphoramidate with a tolerance limitation of 1.0 part per million (ppm) for residues of the pesticide and its cholinesterase-inhibiting metabolites in pineapple bran and cannery waste resulting from the pesticide's application to the growing crop.

The Mobay Chemical Corporation has amended the petition as follows:

(1) Adding the metabolites ethyl 3-methyl-4-(methylsulfinyl)-phenyl (a-methylethyl) phosphoramidate and ethyl 3-methyl-4-(methylsulfonyl) phenyl (1-methylethyl) phosphoramidate.

(2) Deleting pineapple bran and cannery waste at 1.0 ppm and establishing a regulation for pineapple bran at 3.0 ppm. (PM-21, Henry Jacoby, 703-557-1900).

2. *PP 6F1864*. Mobay Chemical Corp. EPA issued a notice published in the **Federal Register** of October 19, 1976 (41 FR 46020) that announced that Mobay Chemical Corp. had submitted pesticide petition 6F1864 to the Agency proposing to amend 40 CFR 180.349 by establishing tolerances for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl) (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolities in or on the raw agricultural commodities pineapples at 0.04 ppm and pineapple foliage at 1.0 ppm.

The Mobay Chemical Corporation has amended the petition as follows:

(1) Adding the metabolites ethyl 3-methyl-4-(methylsulfinyl)-phynyl (1-methylethyl) phosphoramidate and ethyl 3-methyl-4-(methylsulfonyl) phenyl (1-methylethyl) phosphoramidate.

(2) Deleting pineapples at 0.04 ppm and pineapple foliage at 1.0 ppm and by establishing a tolerance for pineapple fruit (fresh) at 0.3 ppm. The proposed analytical method for determining residues is gas chromatography using a thermionic flame ionization detector. (PM-21, Henry Jacoby, 703-557-1900).

3. *PP 9F2252*. Mobay Chemical Corp, EPA issued a notice published in the **Federal Register** of October 2, 1979 (44 FR 56737) which announced that the Mobay Chemical Corp. had filed a pesticide petition (9F2252) with the Agency. The petition proposed that 40 CFR 180.349 be amended by establishing tolerances for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl. (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites as mentioned in item 2. (1) above in or on the commodities apples, cherries, and peaches at 0.02 ppm. The petitioner subsequently amended the petition (47 FR 46756, Octoberr 20, 1982) by increasing tolerances for cherries and peaches from 0.02 ppm to .2 ppm.

The petitioner has submitted a second amendment proposing to increase tolerances on cherries and peaches from .2 ppm to 0.25 ppm and apples from .02 ppm to 0.25 ppm. The proposed analytical method for determining residues is gas chromatography using a thermionic flame ionization detector. PM-21, Henry Jacoby, 703-557-1900).

(Sec. 406(d)(1), 68 Stat. 512 (7 U.S.C. 136))
(Sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348))

Dated: March 14, 1983

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-6613 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

[[OPP-30223A] PHJ-FRL 2321-6)

FMC Corp.; Application to Conditionally Register a Pesticide Product Containing a New Active Ingredient; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the proposed classification/use of the application submitted by the FMC Corp., to conditionally register the pesticide product Ammo 2.5 EC Insecticide containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

ADDRESS: Written comments, identified by the document control number [OPP-30223A] and the file symbol, should be submitted to: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee (703-557-2690).

SUPPLEMENTARY INFORMATION: In FR Doc. 82-33734 of December 15, 1982 appearing at page 56175, EPA announced that FMC Corp 2000 Market St., Philadelphia, PA 19103, had submitted an application to conditionally register the pesticide product Ammo 2.5 EC Insecticide, File Symbol 279-GNET an insecticide containing 30.6 percent of the active ingredient (−) cyano (3-phenoxphenyl)methyl (−) *cis trans* 3-(2,2-dichloroethenyl)-2,2 dimethylcyclopropane, an active ingredient not included in any previously registered product.

Under item 8, page 56176, first column, the proposed classifiecation/use starting on the seventh line, is corrected to read from "general use for formulating use only" to "restricted for use on cotton".

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register.** Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. the procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: March 4, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-6612 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA-REP-1-MA-3]

Massachusetts Radiological Emergency Response Plan for Vermont Yankee

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government off-site plans, the Commonwealth of Massachusetts, by letter of transmittal dated February 18,

1983, has formally submitted radiological emergency plans to the FEMA Region I Office. These plans support Vermont Yankee Nuclear Power Station located in Vernon, VT.

DATE: Plans received June 16, 1981 through February 2, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Sparks, Regional Director, FEMA, Region I, Room 442, John W. McCormack Post Office and Courthouse Building, Boston, MA 02109, 617–223–4741.

SUPPLEMENTARY INFORMATION: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Plan for the Commonwealth of Massachusetts was received by the Federal Emergency Management Agency Region I Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone for the Vermont Yankee Nuclear Power Station: Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick.

Copies of the plan are available for review at the FEMA Region I Technological Hazards Office, Room 462, John W. McCormack Post Office and Courhouse Bldg., Boston, MA 02109. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in Subpart C of 44 CFR Part 5.

Copies of the plan are also available from the Commonwealth of Massachusetts Civil Defense Agency and Office of Emergency Preparedness, 400 Worcester Road, Framingham, Massachusetts 01701.

Comments on the plan may be submitted in writing to Mr. David M. Sparks, Regional Director, at the above address within 30 days of this **Federal Register** Notice.

A public meeting was held in connection with the plant in accordance with FEMA proposed Rule 44 CFR 350.10. On May 20, 1982 the public meeting in connection with Vermont Yankee was held in Vernon, Vermont.

David M. Sparks,

Regional Director.

March 4, 1983.

[FR Doc. 83-6787 Filed 3-15-83; 8:45 am]

BILLING CODE 6718-03-M

[Docket FEMA-REP-1-MA-2]

Massachusetts Radiological Emergency Response Plan for Yankee at Rowe

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission (NRC) requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government off-site plans, the Commonwealth of Massachusetts, by letter of transmittal dated February 18, 1983 has formally submitted radiological emergency plans to the FEMA Region I Office. These plans support the Yankee Nuclear Power Station located in Rowe, MA.

DATE: Plans received: June 16, 1981 through February 2, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Sparks, Regional Director, FEMA, Region I, Room 442, John W. McCormack Post Office and Courthouse Building, Boston, MA 02109, 617–223–4741.

SUPPLEMENTARY INFORMATION: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Plan for the Commonwealth of Massachusetts was received by the Federal Emergency Management Agency Region I Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone of the nuclear power station: Buckland, Charlemont, Clarksburg, Colrain, Florida, Hawley, Heath, Monroe, North Adams, Savoy, Rowe.

Copies of the plan are available for review at the FEMA Region I, Technological Hazards Office, Room 462, John W. McCormack Post Office and Courthouse Bldg., Boston, MA 02109. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in Subpart C of 44 CFR Part 5.

Copies of the plan are also available from the Commonwealth of Massachusetts Civil Defense Agency and Office of Emergency Preparedness, 400 Worchester Road, Framingham, Massachusetts 01701.

Comments on the plan may be submitted in writing to Mr. David M. Sparks, Regional Director, at the above address within 30 days of this **Federal Register** Notice.

A public meeting was held in connection with the plant in accordance with FEMA proposed Rule 44 CFR 350.10. On June 23, 1982, the public meeting in connection with the Yankee Nuclear Power Station was held in Rowe, MA.

David M. Sparks,

Regional Director.

March 4, 1983.

[FR Doc. 83-6788 Filed 3-15-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-227]

Home Federal Savings & Loan Association, San Diego, Calif.; Final Action Approval of Conversion Applications

Dated: March 10, 1983

Notice is hereby given that on March 8, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Home Federal Savings and Loan Association, San Diego, California, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, P.O. Box 7948, San Francisco, California.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-6801 Filed 3-15-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

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 the 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.

World Express Cargo, Inc., Greenway Plaza, Suite 211, 3800 Buffalo Speedway, Houston, TX 77098. Officers: Antoine C. Karkabi, President/Director; Elie S. Karkabi, Director; Fouad S. Alameddin, Vice President

Klaus-Peter Feindt d.b.a. Klaus International, 922 Mesa Terrace, Katy, TX 77450

Frederick J. Bohlander, 5959 Westheimer, Houston, TX 77057

Ruben Cruz, Arasibo E–27 Villas de Caney, Trujillo Alto, PR 00760

Elba de Melo dba Texas Cargo, 4910 Dacoma-Suite 108, Houston, TX 77092

Latinvan, Inc., 2950 Northwest 75th Avenue, Miami, FL 33122. Officers: Manuel Eduardo Rajas, President; Libia Benicia Rojas, Secretary/Treasurer

By the Federal Maritime Commission.

Dated: March 10, 1983

Francis C. Hurney,

Secretary.

[FR Doc. 83-6739 Filed 3-15-83; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Canadian Cruise Lines 1982 Ltd., Suite 401, 1208 Wharf Street, Victoria, British Columbia V8W 3B9, Canada.

This Certificate expires April 15, 1983.

Dated: March 10, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-6735 Filed 3-15-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities; Old Stone Corp.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 255.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably 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 interest, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Old Stone Corporation*, Providence, Rhode Island (mortgage banking and insurance agency activities; Georgia): To engage through a new office of its subsidiary, DAC Corporation of Georgia, in the origination, sale and servicing of first and second mortgage loans, the sale of credit life and credit health and accident insurance offered in connection with extensions of credit, which insurance would be reinsured by an affiliate, Motor Life Insurance Company, Jacksonville, Florida; and the sale of casualty insurance in connection with extensions of credit by DAC Corporation of Georgia through American Standard Insurance Agency. The sale of casualty insurance in connection with the extensions of credit by DAC Corporation of Georgia is grandfathered under Section 601(D) of the Garn-St. Germain Depository Institutions Act and was approved on February 13, 1981. These activities would be conducted from a new office in Decatur, Georgia, serving the city of Decatur and the greater metropolitan area of Atlanta, Georgia. Comments on this application must be received not later than April 11, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation*, Minneapolis, Minnesota (financing and insurance activities; California): To engage, through its subsidiary Dial Finance Company of California, in the activities of consumer and commercial finance, and the sale of credit life, credit accident and health, and property and casualty insurance, directly related to extensions of credit by said subsidiary. Northwest Bancorporation secured approval to engage in insurance activities by Board Order of July 21, 1959. Financing activities were approved by Board Order dated July 27, 1982, pursuant to applications of Northwest Bancorporation pending before the Board as of May 1, 1982, thereby rendering same permissible activities in conformance with Section 601(D) of the Garn-St. Germain Depository Institutions Act of 1982. These activities would be conducted from an office located in Brea, California, serving Brea and other nearby suburbs of Los Angeles, California, to Brea, California. Comments on this application must be received not later than April 6, 1983.

c. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *United Banks of Colorado, Inc.*, ("UBC"), Denver, Colorado (credit-related insurance activities; Colorado): To engage, through its subsidiary, Lincoln Agency, Inc., in offering credit life and credit health and accident insurance directly related to extensions of credit by UBC's subsidiary, United Financial Centers, Inc., in conformance with Section 225.4(a)(g) of Regulation Y, and as strictly limited by Title VI of the

Garn-St. Germain Depository Institutions Act of 1982. UBC and its subsidiary Lincoln Agency were authorized to engage in such activities by Board Order of February 1, 1968. These activities would be conducted from an office located in Aurora, Colorado, serving the southeastern portion of Arapahoe County, Colorado, the City of Aurora, and the contiguous northeastern portion of Douglas County, Colorado, and an office located in Northglenn, Colorado, serving Adams County and contiguous portions of Denver and Boulder Counties, Colorado. Comments on this application must be received not later than April 8, 1983.

Board of Governors of the Federal Reserve System, March 11, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6798 Filed 3-15-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Company; Larchmont Bancorp.

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

1. *Larchmont Bancorp*, Los Angeles, California; to become a bank holding company by acquiring 100 percent of the voting shares of Larchmont National Bank, Los Angeles, California, a *de novo* bank. Comments on this application must be received not later than April 11, 1983.

Board of Governors of the Federal Reserve System, March 10, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6799 Filed 3-15-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicaid Program; Hearing; Reconsideration of Disapproval of Wisconsin State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on May 3, 1983 in Chicago, Illinois to reconsider our decision to disapprove Wisconsin State Plan Amendment 82-0108.

Closing date: Request to participate in the hearing as a party must be received by 15 days after publication.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Bureau of Eligibility, Reimbursement and Coverage, G-20 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594-8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove a Wisconsin State Plan Amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a denial of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with additional requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with additional requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issues in this matter relate to Wisconsin's proposal to exempt from Medicaid copayment requirements the following groups: inpatients of skilled nursing facilities and intermediate care facilities, children in foster care or subsidized adoption arrangements and members of health maintenance organizations. The Health Care Financing Administation disapproved this amendment because it did not include all of the groups required by law to be exempted from copayments. In addition, the copayment exemption on services furnished to children in foster care or subsidized adoptions would violate comparability provisions of section 1902(a)(10) of the Social Security Act and implementing regulations at 42 CFR 440.240, in that some but not all children under 18 would be exempt from the copayment requirements.

The notice to Wisconsin announcing an administrative hearing to reconsider our disapproval of its state plan amendment reads as follows:

Ms. Linda Reivitz
Secretary, Department of Health and Social Services, 1 West Wilson Street, Madison, Wisconsin 53701

Dear Ms. Reivitz: This is in reference to your request for reconsideration of the decision to disapprove Wisconsin State Plan Amendment 82-0108. You have requested a reconsideration of whether the proposal to exempt from copayment requirements inpatients of skilled nursing facilities and intermediate care facilities, children in foster care or subsidized adoption arrangements and members of health maintenance organizations, conforms to the requirements for approval under the Social Security Act and pertinent Federal requirements.

I am scheduling a hearing on your request to be held on May 3, 1983, at 10:00 a.m. in the 8th Floor Conference Room, 175 West Jackson Boulevard, Chicago, Illinois. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Albert Miller as the presiding official. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached on (301) 594-8261.

Sincerely yours,

Carolyne K. Davis, *Ph. D.*

(Sec. 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog or Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: March 9, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83-6790 Filed 3-15-83; 8:45 am]

BILLING CODE 4120-03-M

Health Resources and Services Administration

Application Announcement for Grants for the Training of Allied Health Personnel in Health Promotion and Disease Prevention

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for Fiscal Year 1983, Grants for the Training of Allied Health Personnel in Health Promotion and Disease Prevention are being accepted under the authority of Section 788(b) of the Public Health Service Act, as amended.

Grants will be awarded to develop new courses and training experiences within selected allied health professional education programs to prepare allied health personnel for appropriate expanded roles in health promotion and disease prevention.

These grants are intended to further the professional preparation of personnel in those allied health occupations that have a significant opportunity to apply relevant principles of health promotion and disease prevention with reference to the 15 priority areas identified in the Surgeon General's Report: *Promoting Health/ Preventing Disease: Objectives for the Nation,* Fall 1980. (The report, stock number 017-001-00435-9, may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, price $5.00). The 15 priority areas are: high blood pressure control; family planning; pregnancy and infant health; immunization; sexually transmitted diseases; toxic agent control; occupational safety and health; accident prevention and injury control; fluoridation and dental health; surveillance and control of infectious diseases; smoking and health; misuse of alcohol and drugs; nutrition; physical fitness and exercise; and control of stress and violent behavior.

These grants will provide support to educational institutions that are prepared to incorporate health promotion and disease prevention training components into their professional or technical curricula.[1] Such training centers would receive support to:

a. Develop faculty for teaching health promotion and disease prevention;

b. Develop curriculum modules, where they are currently unavailable, for use in basic professional education of allied health professions students;

c. Develop training materials for the continuing education of practicing allied health professionals; and

d. Conduct awareness training for other faculty and outside personnel to foster the principles of health promotion and disease prevention.

Any health profession, allied health profession, or nurse training institution or any other public or private nonprofit entity is eligible to apply for grants under the broad authority of Section 788(b) of the PHS Act. However, applications for this grant program will be accepted only from those public or private nonprofit entities that meet the definition of "training center for allied health professions," stated below and are located in the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

"Training center for allied health professions" or "center" means a junior college, college, or university which:

a. Provides educational programs leading to an associate, baccalaureate, or higher degree needed to practice as one of the following:

Doctoral Degree:
- Clinical Phychologist

Master's Degree:
- Speech Pathologist/Audiologist

Bachelor's Degree:
- Dental Hygienist
- Dietitian (coordinated under graduate program)
- Community Health Educator
- Health Services Administrator
- Medical Records Administrator
- Medical Technologist
- Occupational Therapist
- Physical Therapist
- Primary Care Physician Assistant
- Sanitarian (Environmental Health)

Associate Degree:
- Clinical Dietetic Technician
- Cytotechnologist
- Dental Assistant
- Dental Hygienist
- Dental Laboratory Technician
- Medical Assistant
- Medical Laboratory Technician
- Medical Records Technician
- Occupational Therapy Assistant
- Ophthalmic Medical Assistant
- Optometric Technician
- Physical Therapy Assistant
- Radiologic Technologist
- Respiratory Therapist
- Sanitarian Technician

b. Provides training for no fewer than 20 persons in the substantive health portion, including clinical experience as required for employment, in three or more of the disciplines listed in paragraph (a) of this definition, and has a minimum of six full-time students in that portion of each curriculum by October 15 of the fiscal year of application.

c. Has a teaching hospital as part of the grantee institution or is affiliated with a teaching hospital by means of a formal written agreement as defined in the program guide. The term "teaching hospital" includes other settings which provide clinical or other health services if they fulfill the requirements for clinical experience specified in an allied health curriculum.

d. Is accredited institutionally and programmatically (if programmatic accreditation is required for graduates to be licensed or certified) by a recognized body or bodies approved for this purpose by the Secretary of Education or provides assurance satisfactory to the Secretary from the appropriate accrediting body that reasonable progress is being made toward accreditation; and

e. Has a single administrative unit with an identified budget and faculty which is responible for:

(1) All allied health education programs offered by the center;

(2) Allied health curriculum development;

(3) Allied health student recruitment and counseling;

(4) Development of appropriate clinical affiliations;

(5) Placement of students for the clinical portion of the program; and

(6) Standards of student performance in technical portions of the program.

f. In meeting the requirements specified in parts (a) and (b) above, counts only students enrolled in the professional or technical portion at the academic level specified in the designated professions and occupations.

In determining the order of funding of competitive applications which have been recommended for approval, funding preference will be given to applications which specifically address and meet either or both of the program priorities listed below, thus, improving their competitive advantage. Meeting both program priorities will further improve this advantage. Applications which do not address one or the other of these program priorities will be

[1] Note: Support should not be sought to develop or supplement training in professions predominately focused on applying principles of Health Promotion and Disease Prevention (e.g. Environmental Sanitation or Community Health Education).

reviewed and given consideration for funding.

a. Preference will be given to applications which propose multidisciplinary training [1] in three or more allied health occupations for which the applicant can clearly demonstate that the providers in their practices will have significant opportunities to influence treatment options and/or patient behavior through direct personal intervention to meet individual patient/client needs.

b. Preference will be given to those applications which provide for a combination of at least three of the educational functions described above under functions to be supported. In all such combinations, however, one of the functions selected must be faculty development.

Request for application materials and questions regarding grants policy should be directed to: Mrs. Mary Allen, Grants Management Branch, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Highway, Room 4–27, Hyattsville, Maryland 20782; Telephone (301) 436–7360. If this number is not in service, call (301) 443–6857.

Should additional programmatic information be required, please contact: Mr. Theodore Carp, Associated Health Professions Branch, Division of Associated and Dental Health Professions, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Highway, Room 5–27, Hyattsville, Maryland 20782; Telephone (301) 436–6800. If this number is not in service, call (301) 443–6887.

Applications must be received no later than May 2, 1983. Approximately $800,000 is expected to be available in Fiscal Year 1983 for competitive awards.

This is a new program and is not listed in the *Catalog of Federal Domestic Assistance*. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular No. A–95.

Dated: March 10, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 83-6834 Filed 3-15-83; 8:45 am]

BILLING CODE 4160-16-M

[1] For purposes of this program, "multidisciplinary training" means education or training directed to three or more allied health professions.

Application Announcement for Grants for Geriatric Education Centers

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for Fiscal Year 1983 Grants for Geriatric Education Centers are being accepted under the authority of Section 788(b) of the Public Health Service Act, as amended.

Grants will be awarded to support the development of a small number of prototypical regional resources centers focused on strengthening multidisciplinary training of health professionals in geriatric health care. These centers, to be known as Geriatric Education Centers, will be established to facilitate training of medical, osteopathic, dental, optometric, pharmacy, podiatric, nursing and appropriate allied health and public health students and practitioners in the diagnosis, treatment and prevention of the diseases and other health problems of the aged.

Functioning within a defined geographic area, a Geriatric Education Center will provide the health professions educational community within that area such comprehensive services as:

- Conducting faculty training programs to prepare key resource persons in the various health professions schools;
- Providing technical assistance in the design and conduct of appropriate in-service and continuing education programs for practicing health professionals;
- Serving as a clearinghouse of information on multidisciplinary geriatric education programs and instructional resources;
- Providing educational services in support of geriatric training to academic centers, professional associations and State and local health agencies; and
- Assisting health professions schools in the selection, installation, implementation and evaluation of appropriate geriatric course materials and curriculum improvements.

"Multidisciplinary education or training" means a planned and coordinated program of education or training directed to two or more health professions for the purpose of improving their several contributions to a major health care objective.

Any health profession, allied health profession, or nurse training institution, or any public or private nonprofit entity is eligible to apply for a grant. All applicants must be located in the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

In determining the order of funding of competing applications which have been recommended for approval, a funding preference will be given to applications which address the program priorities listed below. Projects which meet *all* of the elements of the priority statement will receive a funding preference; however, applications which do not address any or all of the program priorities will be reviewed and given consideration for funding.

(1) Projects which are directed to at least three health professions, of which allopathic or osteopathic medicine must, in all instances, be one. The additional two or more professions proposed shall be designated from among the following:

- Dentistry;
- Optometry;
- Pharmacy;
- Podiatry;
- Nursing;
- Appropriate allied health professions;
- Appropriate public or community health specialties.

(2) Projects which provide for a combination of at least two geriatric education activities from among the following:

- Faculty training
- Consultative and other technical assistance in support of undergraduate training (didactic and/or clinical)
- Consultative and other technical assistance in support of in-service and/or continuing education
- Clearinghouse, promotional, and demonstration services.

(3) Projects which provide for a high degree of areawide multidisciplinary collaboration as evidenced by:

(a) Significant current multidisciplinary health care educational activities

(b) Letters of agreement, assurance, or substantial intent between professional schools (or by an academic health science center on their behalf), teaching hospitals, professional associations, and State and local health agencies

(c) Appropriate liaison with contributing disciplines in the social and behavioral sciences; and

(4) Projects which will begin faculty training for six or more persons in the first year of the grant award. Requests for application materials and questions regarding grants policy should be directed to: Mrs. Wilma Johnson (D31), Grants Management Branch, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-

West Highway, Room 4–27, Hyattsville, Maryland 20782; Telephone (301) 436–6098. If this number if not in service, call (301) 443–6960.

Should additional programmatic information be required, please contact: Carol Gleich, Ph.D, Associated Health Professions Branch, Division of Associated and Dental Health Professions, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Highway, Room 5–27, Hyattsville, Maryland 20782; Telephone (301) 436–6800. If this number is not in service, call (301) 443–6887.

Applications must be received no later than May 2, 1983. Approximately $900,000 is expected to be available in Fiscal Year 1983 for competing awards.

This is a new program and is not currently listed in the *Catalog of Federal Domestic Assistance*. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular No. A–95.

Dated March 10, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 83–6633 Filed 3–15–83; 8:45 am]

BILLING CODE 4160–16–M

National Institutes of Health

Biotechnology Resources Review Committee; Meeting

Pursuant too Pub. L. 92–463, notice is hereby given of the meeting of the Biotechnology Resources Review Committee, Division of Research Resources, April 6, 1983, Conference Room 10, National Institutes of Health, Bethesda, MS 20205.

This meeting will be open to the public April 6, from 8:30 a.m. to approximately 3:00 p.m. for analysis and discussion of current and future needs for support of technologies by the Biotechnology Resources Program and for discussions of the guidelines for Biotechnology Resources Program applications and new areas for grants, particularly to small businesses. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(d) (4) and 552(c) (6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from approximately 3:00 p.m. to approximately 5:00 p.m. on April 6 for the review, discussion, and evaluation of individual research prospectuses submitted by organizations seeking access to PROPHET System services. These prospectuses and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the prospectuses, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B–10, National Institutes of Health, Bethesda, MD 20205, telephone area code 301–496–5545, will provide summaries of meetings and rosters of committee members.

Dr. Charles L. Coulter, Executive Secretary, Biotechnology Resources Review Committee, Division of Research Resources, Bldg. 31, Rm. 5B–41, National Institutes of Health, Bethesda, MD 20205, telephone area code 301–496–5411, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.371, Biotechnology Research, National Institutes of Health)

Dated: March 7, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83–6771 Filed 3–15–83; 8:45 am]

BILLING CODE 4140–01–M

Blood Diseases and Resources Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart, Lung, and Blood Institute, April 28–29, 1983, National Institutes of Health, Building 31, Conference Room 9, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 a.m.–5:00 p.m., April 28, 1983, and from 8:30 a.m.–4:30 p.m., April 29, 1983, to discuss the status of the Blood Diseases and Resources program needs and opportunities. Attendance by the public will be limited to space available.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A31A, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistant to the Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Federal Building, Room 5A–06, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–1817, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: March 9, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83–6774 Filed 3–15–83; 8:45 am]

BILLING CODE 4140–01–M

Interagency Technical Committee; Meeting

Notice is hereby given of the Meeting of the Interagency Technical Committee (IATC) on Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources, sponsored by the National Heart, Lung, and Blood Institute on May 4, 1983, from 9:00 a.m. to 12:30 p.m., Building 31, C Wing, Conference Room 10, at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public. The Interagency Technical Committee (IATC) is meeting to examine and cordinate Federal research activities that concern heart, blood vessel, lung, and blood diseases and blood resources. This meeting will focus on studies conducted by the Department of Defense on the Coronary Artery Risk Evaluation (CARE) Program, and presentations by physicians from the NIH Clinical Center, National Cancer Institute (NCI), National Institute of Allergy and Infectious Diseases (NIAID), Food and Drug Administration (FDA), Centers for Disease Control (CDC), the National Heart, Lung, and Blood Institute (NHLBI), the Division of Research Resources (DRR), and American Red Cross (ARC), on Acquired Immune Deficiency Syndrome (AIDS). Attendance by the public will be limited to space available.

For detailed program information, a list of meeting participants, and a meeting summary contact: Ms. Janyce Notopoulos, Office of Program Planning and Evaluation, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, 9000 Rockville, Bethesda, Maryland 20205, 301–496–5031.

Dated: March 9, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83–6773 Filed 3–15–83; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Advisory Board, Subcommittee on Activities and Agenda; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Activities and Agenda, National Cancer Institute, April 4, 1983, Building 31, Conference Room 3, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 9:00 a.m. to adjournment, to review administrative details and plan the agenda and activities for the National Cancer Advisory Board and its meeting for May 1983. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Mrs. Barbara S. Bynum, Executive Secretary, Subcommittee on Activities and Agenda, National Cancer Advisory Board, National Cancer Institute, National Institutes of Health, Building 31, Room 10A03, Bethesda, Maryland 20205, (301) 496–5147, will furnish substantive program information.

Dated: March 9, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-6775 Filed 3-15-83; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Neurological and Communicative Disorders and Stroke; Meeting of Ad Hoc Subcommittee on Anticonvulsant Drugs Epilepsy Advisory Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the *ad hoc* Subcommittee on Anticonvulsant Drugs of the Epilepsy Advisory Committee, National Institute of Neurological and Communicative Disorders and Stroke, April 5–6, 1983, Room B119, Federal Building, National Institutes of Health, Bethesda, Maryland 20205.

The meeting will be open to the public on April 5, 1983, from 9:00 a.m. to 12 noon to discuss Branch planning and accomplishments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 5 from 12 noon to adjournment on April 6 for review of preclinical and clinical ADD compounds. This review and discussions could reveal confidential trade secrets or commercial property such as patentable material.

Dr. Roger J. Porter, Chief, Epilepsy Branch, Convulsive, Developmental, and Neuromuscular Disorders Program, NINCDS (Federal Building, Room 114) National Institutes of Health, Bethesda, Maryland 20205; telephone (301) 496–6691, will provide summaries of the meeting, rosters of the committee members and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, Convulsive, Developmental, and Neuromuscular Disorders Program, National Institutes of Health)

Dated: March 7, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-6772 Filed 3-15-83; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Advisory Board Ad Hoc Subcommittee on Program Project Grants; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board ad hoc Subcommittee on Program Project Grants, National Cancer Institute, March 29–30, 1983, Brown Palace Hotel, Denver Colorado. The entire meeting will be open to the public on March 29, from 8:00 p.m. to recess; and on March 30, from 9:00 a.m. to adjournment, to discuss the peer review system of program project grant applications.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William Walter, Executive Secretary, ad hoc Subcommittee on Program Project Grants, National Cancer Institute, Building 31, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–4218) will furnish substantive program information.

This notice is being published less than 15 days prior to the meeting because originally the meeting was to be held at a later date; however, now it will be more cost effective to the government to hold the meeting at this time as several members will already be in the Denver area.

Dated: March 11, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institues of Health.

[FR Doc. 83-6907 Filed 3-15-83; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Toxicology Program; Availability of Carcinogenesis Report on Propyl Gallate

The HHS' National Toxicology Program today announces the availability of a Technical Report on a carcinogenesis study of propyl gallate, an anti-oxidant used to stabilize cosmetics, food packaging materials, and foods containing fats.

Propyl Gallate was given in the diets of F344/N rats and B6C3F$_1$ mice (0, 6,000, or 12,000 ppm) for 103 weeks. Under these conditions, propyl gallate was not considered to be carcinogenic for F344/N rats, although there was evidence of an increased proportion of low-dose male rats with preputial gland tumors, islet-cell tumors of the pancreas, and pheochromocytomas of the adrenal glands; rare tumors of the brain occurred in two low-dose females. Propyl gallate was not considered to be carcinogenic for B6C3F$_1$ mice of either sex, although the increased incidence of malignant lymphoma in male mice may have been related to the dietary administration of propyl gallate.

Copies of this report—*Carcinogensis Bioassay of Propyl Gallate in F344/N Rats and B6C3F$_1$ Mice (Feed Study)* (T.R. 240)—are available without charge by writing to: NTP Public Information Office, M.D. B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541–3991. FTS: 629–3991.

Dated: March 9, 1983.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 83-6770 Filed 3-15-83; 8:45 am]

BILLING CODE 4140-01-M

Health Resources and Services Administration

Availability of Funds for Community Health Centers (CHCs)

AGENCY: Health Resources and Services Administration, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: Under the present Continuing Resolution, Pub. L. 97–377, providing funding for the Department of Health

and Human Services, approximately $14 million are available for funding new CHCs and expanding existing CHCs. This notice contains information of interest to prospective applicants for such funding.

DATE: To receive consideration, applications must be received in the appropriate regional office prior to May 15, 1983.

FOR FURTHER INFORMATION CONTACT: Information may be obtained from, and applications should be mailed to, the appropriate Regional Health Administrator (see Appendix).

SUPPLEMENTARY INFORMATION: Due to limited resources during the last 2 fiscal years and in an effort to expedite administrative action in preparation for implementation of the Primary Care Block Grant program, Federal support for over 200 CHCs was not renewed. At the same time, a policy was established which precluded funding of new CHCs. The Continuing Resolution makes approximately $14 million available for funding new CHCs and for funding new or expanded activities at existing CHCs located in high priority medical service areas, including the restoration of supplemental ambulatory service delivery capacity where restoration of such services could not be made during Fiscal Year 1982, and the continued expansion of prevention activities. Applications for operational funding for new CHCs, meeting the requirements of section 330 of the Public Health Service (PHS) Act (42 U.S.C. 254c) and implementing regulations (42 CFR Part 51c), as well as applications for the expansion of activities of current CHCs, including the establishments of satellite clinics, are now being accepted. Funding support will be provided for primary health services and needed supplemental ambulatory health services except for inpatient care services as defined in the Department's policy issuance published on December 29, 1981 (see 46 FR 62956). Applications will be evaluated in accordance with criteria set forth in the regulations (42 CFR 51c.305).

Only applications to serve high priority need areas will be considered. Relative need of the population to be served will be determined primarily on the basis of the percentage of the population to be served who live in the areas that are designated as medically underserved areas and on the extent of unemployment in such areas.

The need/demand assessment required under section 330(e)(2) of the PHS Act, including an analysis of the impact of unemployment in the area on the access to health care of the proposed service population, will be an important consideration.

In addition, as provided in the regulations at 42 CFR 51c.305(e), the demonstrated administrative, financial and general management capability of the applicant will be evaluated.

Section 51c.104(b)(5) of the CHC regulation requires applicants to include letters and other forms of evidence showing efforts to secure financial and professional assistance and support for the project and to secure continuing community involvement. Proposed applicants are advised to seek such evidence of support, from, among others, local officials and medical societies. Evidence that such support was sought will be considered in determining which applicants will be awarded grants under this announcement.

Evidence must be provided to indicate that requirements of Part I of Office of Management and Budget Circular No. A-95 have been satisfied, and that the local Health Systems Agency (HSA) has been afforded the opportunity to review and comment on the application.

Note.—Even though OMB Circular A-95 has been rescinded by Executive Order 12372, the A-95 review process remains in effect through April 30, 1983. Also, since many HSAs have discontinued review of applications for the proposed uses of Federal funds, applicants should check with the HSA or PHS regional office in their area to determine the need for HAS Review.

Under the terms of the new Primary Care Block Grant legislation (section 1923 of the PHS Act), the Department is required to solicit comments from the Governor of the State and appropriate local officials prior to awarding CHC grants (see the **Federal Register** notice at 47 FR 56557, December 17, 1982, soliciting such comments). Since these comments are an essential part of a grant application's review, applicants are advised to request that such comments, if possible, be sent to the approprite regional office prior to due date of their application.

The CHC program is listed as No. 13.224 in the OMB *Catalog of Federal Domestic Assistance.*

Dated: March 8, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

Regional Health Administrators

Edward J. Montminy, Regional Health Administrator, PHS—Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-6827

Karst J. Besteman, Regional Health Administrator, PHS—Region II, 26 Federal Plaza, New York, New York 10007, (212) 264-2560

William Lassek, M.D., Regional Health Administrator, PHS—Region III, P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596-6637

George A. Reich, M.D., M.P.H., Regional Health Administrator, PHS—Region IV, 101 Marietta Tower, Suite 1007, Atlanta, Georgia 30323, (404) 221-2316

E. Frank Ellis, M.D., Regional Health Administrator, PHS—Region V, 300 South Wacker Drive, Chicago, Illinois 60606, (312) 353-1385

Sam Bell, Regional Health Administrator, PHS—Region VI, 1200 Main Tower Building, Dallas, Texas 75202, (214) 655-3879

Youn Bock Rhee, Regional Health Administrator, PHS—Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3291

Dean Hungerford, Regional Health Administrator, PHS—Region VIII, 19th and Stout Streets, Denver, Colorado 80294, (303) 837-4461

Sheridan L. Weinstein, M.D., Regional Health Administrator, PHS—Region IX, 50 United Nations Plaza, San Francisco, California 94102, (414) 556-5810

Dorothy H. Mann, Regional Health Administrator, PHS/DHHS Region X, 2901 Third Avenue, Mail Stop 501, Seattle, Washington 98121, (206) 442-0430.

[FR Doc. 83-6705 Filed 3-15-83; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Arizona; Revised Final Wilderness Intensive Inventory Decision

Correction

In FR Doc. 83-667 appearing on page 2070 in the issue of Monday, January 17, 1983, make the following correction in the second column, first complete paragraph: In the third line from the end of the paragraph, insert the following between "WSA" and "boundaries": ". The Gila Box WSA now totals 17,831 acres. Copies of the map showing the new WSA".

BILLING CODE 1505-01-M

[Group 746]

California; Notice of Filing of Plat of Survey

March 7, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 34 N., R. 11 E.

2. This plat, representing the dependent resurvey of a portion of the south and west boundaries, a portion of the subdivisional lines, and the survey

of the subdivision of section 31, Township 34 North, Range 11, East, Mount Diablo Meridian, under Group No. 746, California, was accepted February 17, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6743 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 791]

California; Notice of Filing of Plat of Survey

March 7, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 34 N., R. 9 W.

2. This plat, representing the dependent resurvey of a portion of the north and west boundaries and subdivisional lines, and the survey of the subdivision of section 17, Township 34 North, Range 9 West, Mount Diablo Meridian, under Group No. 791, California, was accepted February 25, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau and the U. S. Department of Agriculture, Forest Service.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6744 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 784]

California; Notice of Filing of Plat of Survey

March 7, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, California

T. 30 N., R. 12 E.

2. These plats, in two (2) sheets, representing the dependent resurvey of a portion of the south and west boundaries, a portion of the subdivisional lines, the survey of the subdivision of section 31, and the metes and bounds survey of Lots 4, 5, 6, and 7, in section 31, Township 30 North, Range 12 East, Mount Diablo Meridian, under Group No. 784, California, were accepted February 25, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6745 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

California; Notice of Filing of Plat of Survey

March 7, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 11 N., R. 8 W.

2. This supplemental plat of section 6, Township 11 North, Range 8 West, Mount Diablo Meridian, was accepted February 24, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been place in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6746 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 814]

California; Notice of Filing of Plat of Survey

March 7, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

San Bernardino Meridian, California

T. 7 S., R. 3 E.

2. This plat, representing the dependent resurvey of a portion of the north and west boundaries, and the survey of the subdivision, and Lot 18, of section 6, Township 7 South, Range 3 East, San Bernardino Meridian, under Group No. 814, California, was accepted February 23, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6747 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 721]

California; Notice of Filing of Plat of Survey

March 3, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 16 S., Rs. 1 and 2 W
T. 17 N., R. 1 W.

2. These plats, representing (1) Dependent resurvey of the exterior boundaries of the Cachil Dehe (Colusa) Indian Rancheria in Lot 39, and the survey of new meanders of the Sacramento River and accreted lands in Township 17 North, Range 1 West, and (2) the dependent resurvey of the exterior boundaries of the Cachil Dehe (Colusa) Indian Rancheria in Lots 37, T. 16 N., Rs. 1 and 2 W., Mount Diablo Meridian, under Group No. 721, California, were accepted February 18, 1983.

3. These plats will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau and the Bureau of Indian Affairs.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6748 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 765]

California; Notice of Filing of Plat of Survey

March 7, 1983.

1. These plats of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, California

T. 38 N., R. 8 W.
T. 37 N., R. 9 W.
T. 39 N., R. 9 W.

2. These plats, representing the: (1) Dependent resurvey of a portion of the south boundary and the east boundary, of Township 39 North, Range 9 West; (2) the dependent resurvey of a portion of the south boundary and the west and north boundaries, of Township 38 North, Range 8 West; (3) and the dependent resurvey of the east boundary, a portion of the north boundary, of Township 37 North, Range 9 West, Mount Diablo Meridian, under Group No. 765, California, were accepted February 25, 1983.

3. These plats will immediately become the basic record for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau and the U.S. Department of Agriculture, Forest Service.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6749 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

Camping Stay Limit Established; Caliente Resource Area, Bakersfield District California

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of camping stay limit for campgrounds and undeveloped public lands in the Caliente Resource Area, Bakersfield District, California.

SUMMARY: Persons may camp within designated campgrounds or on public lands not closed to camping within the Caliente Resource Area for a total period of not more than fourteen days during any calendar month. The fourteen day limit may be reached either through a number of separate visits or through a period of continuous occupation of the public lands. Under special circumstances and upon request, the authorized officer may give written permission for extension to the fourteen day limit.

Additionally, no person may leave personal property unattended in designated campgrounds or recreation developments for a period of more than 24 hours, or elsewhere on public lands within the Caliente Resource Area for a period of more than 5 days without written permission from the authorized officer.

DATE: This camping stay limit will be effective March 16, 1983.

FOR MORE INFORMATION CONTACT: Don H. Heinze, Acting Caliente Resource Area Manager, Caliente Resource Area Office, 520 Butte Street, Bakersfield, California 93305, Telephone: (805) 861–4236.

SUPPLEMENTARY INFORMATION: This camping stay limit is being established in order to assist the Bureau in reducing the incidence of long-term occupancy tresspass being conducted under the guise of camping, both within campgrounds and on undeveloped public lands in the Caliente Resource Area.

Authority for this stay limit is contained in CFR Title 43, Chapter II, Part 8363, Subparts 8361.1–3(b) and 8363.3.

Donald H. Heinze,

Acting Area Manager.

[FR Doc. 83-6750 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Craig District Advisory Council Meeting

In accordance with Pub. L. 94–579, notice is hereby given that there will be a meeting of the Craig District Advisory Council on April 15, 1983.

The meeting will begin at 10:00 a.m. in the conference room of the Craig District Office of the Bureau of Land Management, 455 Emerson Street, Craig, Colorado.

The agenda of the meeting will include:

1. Introductions
2. Orientation to BLM
3. Election of Officers
4. Discussion of Range Stewardship Program
5. Council Recommendation on issues and problems to be addressed by the Advisory Council
6. Discussion of BLM–MMS Merger; and
7. Statements from the public.

The meeting will be open to the public and interested persons may make oral statements to the Council beginning at 1:30 p.m. The District Manager may establish a time limit for oral statements, depending on the number of people wishing to speak. Anyone wishing to address the Council or file a written statement should notify the District Manager, Bureau of Land Management, P.O. Box 248, 455 Emerson Street, Craig, Colorado 81626, by April 12, 1983.

Summary minutes of the Council Meeting will be maintained in the Craig District Office and will be available for public inspection and reproduction during regular business hours.

Dated: March 7, 1983.

Lee Carie,

District Manager.

[FR Doc. 83-6751 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

[I-20125]

Idaho; Realty Action; Sale of Public Lands in Jefferson County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat.

2750, 43 U.S.C. 1713), at no less than the appraised fair market value:

Boise Meredian

T. 7 N., R. 37 E.,
Sec. 3: NE¼SE¼, S½SE¼,
Sec. 10: N½NE¼.
200 acres.

The land will be sold at public auction by competitive bidding. The lands are being offered for sale in order to enhance land-use compatibility with adjoining private lands and to settle an occupancy trespass. The land has not been used for and is not required for any Federal purpose. The lands are isolated and uneconomical to manage as public lands. The sale is consistent with the Bureau's planning for the lands involved and has been discussed with the County Commissioners, Idaho Department of Fish and Game and the Idaho Department of Lands. Disposal would not have any significant effect on resource values and would best serve the public interest.

The terms and conditions applicable to the sale are:

1. The sale of these lands will be subject to all applicable Jefferson County regulations.

2. All minerals will be reserved to the United States.

3. The sale of this land will be subject to all existing rights.

4. The subject lands are encumbered by removable, valuable improvements (house, barn, corrals, etc.). These improvements are owned by Ferguson Farms. If Ferguson Farms does not purchase the subject lands during this sale, they will be allowed 180 days to remove the improvements. If they choose not to remove the improvements, they will be allowed an opportunity to negotiate a sale of these improvements with the purchaser.

The Federal Land Policy and Management Act requires that bidders must be citizens of the United States, 18 years of age or over, or, in the case of a corporation, be subject to the laws of any state or the United States. Bids may be made by a principal (the one desiring to purchase the land) or his duly qualified agent.

The sale will be held at the Idaho Falls District Office, Bureau of land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401, on May 24, 1983, at 1:00 p.m. No bid will be accepted for less than the apprised fair market value of $30,000. Bids must be for all the land.

Bids may be made either by mail or personally at the sale. Bids sent by mail will only be considered if received at the Idaho Falls District office, 940 Lincoln Road, Idaho Falls, Idaho 83401, prior to 1:00 p.m. on the day of the sale. Bids sent in by mail must be in sealed envelopes accompained by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for no less than one-fifth of the amount of the bid. The sealed bid envelopes must be marked in the lower left-hand corner, "Sealed Bid, Public Land Sale I–20125, Sale to be May 24, 1983," If two or more valid sealed bids in the same amount are received and they are the high bid, the determination of which bid is to be considered the highest bid shall be by a drawing. The highest qualifying sealed bid shall then be announced.

Oral bids will be received immediately after all sealed bids have been opened and the highest sealed bid is announced. The highest sealed bid will be the basis for oral bids. All oral bids must be made in increments of not less than $50. Sealed bidders present at the sale may also make oral bids. The highest bid price, either sealed or oral, will establish the sale price. If the highest bid is an oral bid, the successful bidder will be required to pay immediately one-fifth of the high bid price by cash, personal check, money order, bank draft, or any combination of these.

The successful high bidder, whether it is by sealed or oral bid, will be required to submit full payment for the balance of the bid within 30 days from the date of the sale. Failure to submit such payment within the 30 day period shall result in cancellation of the sale and the bid deposit shall be foreited. All bids will be either returned, accepted, or rejected within 30 days of the sale date. If no bids for the land, either sealed or oral, are received on the sale date, the sale will be adjourned until the next Tuesday at the same hour and place and continued on each succeeding Tuesday, until the lands are sold as specified in this notice or the sale is otherwise terminated.

Further information concerning this sale, including the planning documents and Environmental Assessment, is available for review in the Idaho Falls District Office at the address indicated above. For a period of 45 days from the date of this Notice, Interested parties may submit comments to the Idaho Falls District Manager. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior. In addition, this notice will be considered an amendment to the Management Framework Plan for this Resource Area.

Dated: March 8, 1983

James Gabettas,
Acting District Manager

[FR Doc. 83-6753 Filed 3-15-83; 8:45 am]
BILLING CODE 4310-84-M

Jacks Creek Wilderness EIS; Intent To Prepare an Environmental Impact Statement and Notification of Scoping Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare the Jacks Creek Wilderness environmental impact statement and notification of scoping meetings.

SUMMARY: The Bureau of Land Management is beginning the preparation of an EIS to consider suitability or nonsuitability recommendations for seven wilderness study areas (WSAs). The WSAs are located in Southwestern Idaho's Owyhee County. They are 60 to 100 miles south of Boise, Idaho. The specific WSAs are identified as follows:

WSA No.	Name	Acres
111-06	Little Jacks Creek	58,040
111-7b	Duncan Creek	10,005
111-7c	Big Jacks Creek	54,833
111-18	Poe Creek	24,509
111-36A	Sheep Creek West	11,680
111-36B	Sheep Creek East	5,050
111-44B	Upper Deep Creek	11,510
		175,627

SUPPLEMENTARY INFORMATION: The EIS is being done in conjunction with the Bruneau Resource Area land use planning efforts in the Boise BLM district. Planning documents are available for review at the district office.

The EIS will include alternatives for each WSA ranging from total wilderness to no wilderness. Various alternative combinations of suitable and nonsuitable recommendations as well as boundary adjustments for individual WSAs will be considered.

Major environmental issues anticipated include the following:

1. Impacts of wilderness on the Jacks Creek livestock water pipeline proposal.

2. Impacts of increased livestock grazing on good condition Sagebrush Steppe areas.

3. Impacts of wilderness designation on livestock grazing.

4. Impact of wilderness designation/nondesignation on sensitive California bighorn sheep populations.

The scoping process will consist of a mail-out to interested individuals, organizations, and agencies who have expressed interest in the wilderness review process for the affected study areas. The mail-out will include a description of the tentative alternatives that will be considered in the EIS as well as a tentative list of issues to be addressed. Individuals and agencies contacted will be encouraged to comment on the issues and alternatives presented, and to identify additional issues and alternatives.

Two public scoping meetings have also been scheduled to discuss the wilderness EIS and to receive input on alternatives and issues. These meetings will be held at the following times and locations:

April 20, 1983 7:00 p.m.—American Legion Hall, Bruneau, Idaho
April 21, 1983 7:00 p.m.—Boise District BLM Office, 3948 Development Avenue, Boise, Idaho

Suggestions on issues and alternatives may be presented at the public meetings or they may be sent to the Boise District, BLM, 3948 Development Avenue, Boise, Idaho 83705. Suggestions should be submitted by May 13, 1983.

FOR FURTHER INFORMATION CONTACT: Ted Milesnick, EIS Team Leader, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705, (208) 334–1582.

Martin J. Zimmer,
District Manager.

[FR Doc. 83-6752 Filed 3-15-83; 8:45 am]
BILLING CODE 4310-84-M

Northeast Resource Area, Colorado; Resource Management Plan; Public Workshops and Public Hearings on Denver Basin Coal Lease Applications

Three plan alternatives for managing the lands and resources of the Northeast Resource area have been developed. Each plan addresses the issues raised at earlier public scoping meetings as well as those required by law and regulation. The most significant issues addressed are: land tenure adjustments, water quality, wildlife habitat, access to public land, recreational opportunities, forest management particularly fuelwood cutting, and mineral exploration and development.

The draft alternatives are available for public review and comment. Public participation at this point is essential to assure: (1) The alternatives are complete and reasonable, (2) that all alternatives are considered, and (3) that public preferences are known prior to completion of the Draft Environmental Impact Statement in October, 1983.

Six open house workshops are scheduled to allow public viewing of maps and management plans displaying the alternatives. Planning/EIS team members will be available to answer questions and comments will be accepted. The locations below will be open for extended hours as shown for the convenience of the public. Additional written comments on the Resource Management Plan will be accepted until May 20, 1983 at the Northeast Resource Area Office.

Location	Date	Time	Place
Idaho Springs	4	2–4 and 6–8	Elks Lodge, Colorado Blvd.
Central City	5	2–4 and 6–8	Gilpin County Courthouse.
Fort Morgan	7	2–4 and 6–8	Morgan County Courthouse.
Fort Collins	11	2–4 and 6–8	Larimer County Courthouse; 200 W. Oak St.
Denver*	12	2–4 and 6–8	BLM Office, 10200 West 44-Ave. Wheatridge.
Limon*	13	2–4 and 6–8	City Hall, 200 F St.

The meetings at Denver and Limon will include public hearings specific to the adequacy of the environmental assessments for Coal lease proposals in the Denver Basin (Adams, Arahahoe, and Elbert Counties). These environmental assessments are available at the Northeast Resource Area Office, Canon City District Office, Colorado State Office in Denver and the Elbert County Library in Kiowa. Oral Statements will be heard beginning at 8 PM at these two locations. If you are interested in making an oral statement please notify by April 1, 1983 the: Northeast Resource Area Office, 10200 West 44th Avenue, Wheatridge, CO 80033, (303) 234–4988.

Written statements on the adequacy of the coal environmental assessments will be accepted at any of the six open houses or at the above address prior to May 2, 1983.

Stewart A. Wheeler,
Acting District Manager.

[FR Doc. 83-6754 Filed 3-15-83; 8:45 am]
BILLING CODE 4310-84-M

[A-17948]

Public Lands Exchange; La Paz County, Arizona

March 4, 1983.

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action-Exchange, public lands in La Paz County, Arizona.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona
T. 4 N., R. 14 W.,
Sec. 20: Those public lands lying West of the Central Arizona Project;
Sec. 21: Those public lands lying West of the Central Arizona Project;
Sec. 28: Those public lands lying West of the Central Arizona Project;
Sec. 32: NE¼SW¼.
T. 4 N., R. 15 W.,
Sec. 14: SE¼.

Comprising approximately 800 acres of public land.

In exchange for these lands, the Federal Government will acquire non-Federal land from the Crowder-Weisser Cattle Company described as follows:

Gila and Salt River Meridian, Arizona
T. 3 N., R. 14 W.,
Sec. 32: N½; (First priority).
T. 5 N., R. 16 W.,
Sec. 9: W½.

Comprising approximately 640 acres of private land.

The exchange proposal involves the surface and mineral estates of both public and private offered lands, including the oil and gas.

The purpose of the exchange is to dispose of public lands that are unmanageable because of location and the ownership of adjacent lands. In return, the Bureau will acquire private lands that will aid in making a more manageable area. The public interest will be served by making this exchange.

The value of the lands and interests to be exchanged is approximately equal. Upon the completion of a final appraisal, acreages may be adjusted or a cash payment made, where the value of the public estates exceed that of the private, to equalize the value difference. Should the value of the private offered exceed the value of the selected public estates, those private lands identified as the first priority will be acquired first, thereby utilizing a reduction in private acres in lieu of a Federal money payment.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. A reservation for ditches and canals constructed by the authority of the

United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. A reservation to the Bureau of Reclamation for a flood easement on the public lands in T. 4 N., R. 14 W., Secs. 20, 21, and 28.

The private lands to be acquired by the United States will have the following reservations, or terms and conditions.

1. A reservation to the State of Arizona for 1/16 of all oil, gas, coal and other minerals on the lands located at T. 3 N., R. 14 W., Section 32, N½.

2. A reservation to Arizona Public Service Company for a public utilities easement as shown on instrument recorded August 29, 1979 in Docket 1118, Page 286, for the lands located at T. 5 N., R. 16 W., Sec. 9, SW¼ (South 8 feet of North 33 feet).

The publication of this notice in the **Federal Register** will segregate the public lands located at T. 4 N., R. 14 W., Section 32, NE¼SW¼; and T. 4 N., R. 15 W., Section 14, SE¼.

On the date of the relinquishment of withdrawal application AR–031307 by the Bureau of Reclamation, this notice will also segregate the public lands West of the CAP. The segregated public lands will not be subject to appropriation under the public land laws, including the mining laws. This segregative effect shall terminate upon issuance of patent to the subject lands, upon publication in the **Federal Register** of a termination, or two years from the date of this publication, which ever occurs first.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange, including the Environmental Assessment and Record of Decision, is available for review at the Lower Gila Resource Area Office, 2935 W. Clarendon Avenue, Phoenix, Arizona 85017.

For a period of 45 days, interested parties may submit comments to the District Manager, Phoenix District Office at 2929 W. Clarendon Avenue, Phoenix, Arizona 85017. Any adverse comments may be evaluated by the Arizona State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: March 8, 1983.

William K. Barker,

District Manager, Phoenix.

[FR Doc. 83-6755 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Arizona Zoological Society, Phoenix, AZ; PRT 2–10122

The applicant requests a permit to purchase in interstate commerce one male captive-bred ocelot (*Felis pardalis*) from the Tulsa Zoo, Tulsa, Oklahoma, for enhancement of propagation:

Applicant: W. Grainger Hunt, Soquel, CA; PRT 2–7294

The applicant requests a permit to take 24 bald eagles (*Haliaeetus leucocephalus*) for radio-tagging and banding; harass by photographing eaglets in 6 nests and by conducting helicopter surveys of bald eagles in northern California for scientific research:

Applicant: Zoological Society of Cincinnati, Cincinnati, OH; PRT 2–10141

The applicant requests a permit to import 30–50 captive-bred hatchlings and 10–20 captive-bred second or third year larvae of Japanese giant salamander (*Andrias davidianus japonicus*) from the Asa Zoological Park, Hiroshima, Japan, for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: March 11, 1983.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-6813 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-55-M

Receipt of Application for Permit

Notice is hereby given that an applicant has applied in due form for a permit to take sea otters as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant: Sea World, Inc., 1720 So. Shores Road, San Diego, CA 92109.

2. Type of permit: Take (capture).

3. Name and number of animals: 5 California sea otters *(Enhydra lutris nereis).*

4. Type of activity: Capture for captive propagation and public display.

5. Location of activity: Monterey, California.

6. Period of activity: February 1, 1983–December 31, 1987.

The purpose of this application is to obtain a permit under the Marine Mammal Protection Act to take five California sea otters for captive propagation.

Concurrent with the publication of this notice in the **Federal Register**, the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2–10022. Written data or views, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203, within 30 days of the publication of this notice. Those invididuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements contained in this notice are summaries of those of the applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road, Arlington, Virginia.

Dated: March 11, 1983.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-6812 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by containing Raymond A. Hicks at 303–231–3357. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer listed below and to

desk officer (Interior) of the Office of Management and Budget, 202–395–7340.

Title: Payor Information Form
Bureau form Number: MMS–4025
Frequency: Intermittently
Description of Respondents: Oil and gas lessees, Onshore and Offshore
Annual Responses: 85,000
Annual Burden Hours: 127,500
Bureau Clearance Officer: Dorothy Christopher, 703–435–6213

Dated: February 23, 1983.

Robert E. Boldt,

Associate Director for Royalty Management.

[FR Doc. 83-6763 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-MR-M

Monthly Meeting of the Advisory Committee on Minerals Accountability

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of monthly meeting.

SUMMARY: The purpose of the Advisory Committee on Minerals Accountability is to develop over a 1-year period an expanded policy of cooperation with States and Indian tribes in the royalty management area and to develop a detailed plan for carrying out Federal/State/Indian cooperation on a comprehensive basis. The purpose of the Advisory Committee meeting will be to hold a panel discussion on the results to date of the eight joint cooperative Federal/State audit efforts on royalty payments to the States.

The meeting will be open to the public. However, facilities and space to accommodate attendees are limited and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file with the Advisory Committee a written statement concerning the matters to be discussed.

Notice of the next monthly meeting will be published 15 days before the meeting is to take place.

DATE: Wednesday, March 30, 9:00 a.m.

ADDRESS: Stouffer's Denver Inn, 3203 Quebec Street, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: John Sullivan, Department of the Interior, 18th & C Streets, NW., Room 4216, Washington, D.C. 20240, telephone: (202) 343–3526.

SUPPLEMENTARY INFORMATION: The Advisory Committee was created by the Secretary of the Interior on November 15, 1982 (Order No. 3071).

Dated: March 11, 1983.

Harold E. Doley, Jr.,

Director, Minerals Management Service.

[FR Doc. 83-6764 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Superior

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that The Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0245, Block 72, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 8, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6762 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-MR-M

Establishment of Procedures for a Voluntary Winnings Limit for Outer Continental Shelf Oil and Gas Leasing

AGENCY: Minerals Management Service, Interior.

ACTION: Request for comments.

SUMMARY: The Department of the Interior (Department) is studying the possible use of procedures for receiving sealed bids in Outer Continental Shelf (OCS) oil and gas lease sales that would allow each bidder to establish a dollar limit on the total of the high bids it wishes to have considered for acceptance. The objective of such a procedure would be to reduce unnecessary restraint in bidding by reducing the risk that bidders may overspend or underspend their budgets. This solicitation is intended to obtain comments and recommendations of Federal, State, and local governmental agencies, industry, and the public to assist in the determination of policy regarding whether there is a need for procedures to voluntarily limit winnings for OCS oil and gas leasing and, if so, what procedures should be employed.

DATE: Comments must be received on or postmarked by April 15, 1983.

ADDRESS: Comments on OCS Winnings Limit to: Director, Minerals Management Service, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Vavrina or Ms. Malka Pattison, Minerals Management Service, MS 643, 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (703) 860–7567, or Marshall Rose, Office of Policy Analysis, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, telephone (202) 343–6893.

SUPPLEMENTARY INFORMATION:

Current OCS Bidding Process Regulations

The existing OCS bidding process regulations require that all bids must be submitted by sealed bid accompanied by a certified or cashier's check, bank draft, money order, or cash for one-fifth of the cash bonus amount by the deadline specified in the Final Notice of Sale. The bids are opened, publicly announced, and recorded, but no high bids are accepted or rejected and no leases are awarded at that time. All other bids, except high bids, are returned at this time. Within 90 days of the opening of the bids, the Department determines whether to accept a bid from the highest qualified responsible bidder for each tract receiving bids. If the highest bid for a lease is not accepted by the Department within the 90-day period following the opening of bids, all bids for that lease shall be considered rejected. Written notice of the decision to accept or reject is transmitted to all the bidders whose deposits have been

held. Cash bonus deposits on all rejected high bids are returned.

Background and General Objectives

Beginning in April 1983, OCS oil and gas lease sales under the 5-Year OCS Leasing Program, approved by Secretary James Watt on July 21, 1982, will offer substantially greater acreage to be bid upon. The sealed bid process creates uncertainty concerning the number of tracts which will be acquired and the resultant capital requirements. This may strain some bidders' financial resources. It requires bidders, when cash bonus bidding is used, to commit all of their cash bonus funds simultaneously, and thereby may limit both the number and size of bids that many bidders can afford to submit. In contrast, an oral auction of many items allows each participant to stop bidding when its winnings exhaust the funds it is willing to spend.

It is possible that some firms who participate in sealed bid lease sales might limit their bidding to avoid having to pay out more in bonuses than provided for in their budgets. Restraint in bidding may reduce the chance that such firms would turn out to be the highest bidders on a greater than expected portion of the tracts they bid upon. On the other hand, such firms may turn out more often to be the highest bidders on a smaller than expected portion of the tracts they bid upon, spending less than they were willing to invest in acquiring leases. In addition, this capital constraint may cause some bidders to focus primarily on tracts that would not command much attention from bidders with greater financial resources. As a result, fewer tracts might be leased, exploratory drilling might proceed on a smaller inventory of tracts, and Federal lease revenues might be reduced.

The simultaneous offering of all tracts earmarked for a particular OCS lease sale makes prediction of how many leases a sale participant will obtain virtually impossible. If a bidder ends up with more tracts than it can afford to develop, then OCS oil and gas development and production might be delayed. While this inefficiency may be alleviated by the sale, assignment, exchange, or other transfer of leases by a winning bidder after the OCS lease sale (authorized, subject to Department approval, by 43 CFR Subpart 3319), the availability of the "assignments market" may not guarantee that such a transaction can be effected.

The Department seeks guidance on whether procedures (such as a winnings limit) that would incorporate the advantage of oral auctions into the sealed bidding process are needed and, if so, what form should they take. A procedure that would allow (but not require) bidders to establish a dollar limit on the total of the high bids they wish to have considered for acceptance is but one example. The objective of such a procedure would be to allow each bidder to acquire leases for bonus bids, the sum of which is closer to the amount it has budgeted to spend at each sale.

Public Comments and Questions

We request comments on any aspect of whether a winnings limit procedure or an alternative should be employed in OCS oil and gas lease sales. Comments should be accompanied by as much supporting data as possible. Data submitted pursuant to this Notice that are deemed proprietary should be so labeled. Respondents may wish to expand on or recommend options other than a winnings limit. In describing or recommending options, respondents are requested to provide sufficient details so that distinctions can be made between the options and so that all options can be fully evaluated. Respondents are requested to address the following general questions with regard to each proposed or suggested option.

1. Is there a need for a procedure which would allow bidders to voluntarily establish a dollar limit on the total of the high bids they wish to have considered for acceptance on a portion or all of the tracts they bid upon?

2. What type of procedure should be considered, and how would it be implemented?

3. Are preventative sale procedures better than the postsale OCS lease assignments market in eliminating restraints in bidding associated with bidders' fears of exceeding their bidding budgets? Explain.

4. What effect would adoption of a preventative sale procedure have on:

(a) The OCS lease assignment market,

(b) Bidding strategies or patterns,

(c) Bid amounts,

(d) Competition,

(e) Government revenues,

(f) The total number of leases awarded,

(g) Administrative burdens,

(h) Level of small firm participation,

(i) The timing and amount of exploratory drilling, development, and production, and

(j) Joint bidding.

5. What, if any, difficulties would such a preventative sale procedure create in the process of formulating and submitting bids accompanied by the required 20 percent deposit?

6. Should such a procedure be implemented for any sale? If so which sale or sales?

7. If you are a potential bidder:

(a) Would you make use of such a procedure if it were available? Frequently or occasionally? Would you expect other bidders to make use of the procedure? Would you feel at a disadvantage if others used the procedure but you did not? Why?

(b) After submitting your bid amounts, are there some tracts that you would prefer to win over others? If so, are these preferred tracts usually the ones that received your highest bids? For a given expenditure of cash bonus payments, would you prefer to acquire a few tracts upon which you submitted your highest bids in the sale, or many tracts upon which you submitted your lowest bids in the sale? Why?

8. Would a certain type of procedure enable companies to obtain financing more readily? Would financial institutions be willing to make loans available when a company cannot state which tracts it actually hopes to be awarded leases on?

9. Would such a procedure help the smaller oil companies or would it give an advantage to the major oil companies?

10. Would potential benefits be worth the administrative burdens associated with such a procedure?

Dated: March 7, 1983.

Harold E. Doley, Jr.,

Director.

[FR Doc. 83-6786 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-MR-M

Office of the Secretary

Coastal Barrier Resources Act

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: Consistent with the provisions of Section 4(c)(2) of the Coastal Barrier Resources Act (Pub. L. 97-348), and with the guidelines published in the **Federal Register** on November 19, 1982 (47 FR 52388-52393), the Department has, as required, submitted written notice of those minor and technical boundary modifications it proposes to make under the authority of Section 4(c)(1) of CBRA to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on the Environment and Public Works in the Senate. This information has also been provided to the chief executive officer of each State, county or

equivalent jurisdiction in which a system is located; each State coastal zone management agency in those States which have a coastal zone management plan approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) and in which a system is located; and each appropriate Federal agency, as required by CBRA.

CBRA requires the Secretary to make minor and technical boundary modifications to the boundaries of the System within 180 days from the date of enactment and to provide written notice to the Committees and others previously listed, of those proposed minor and technical modifications at least thirty (30) days prior to the date when authority to modify the maps will lapse. Accordingly, this information must be provided to the aforementioned individuals no later than March 18, 1983.

Following review of comments received during this thirty (30) day period, final modifications will be made prior to the close of the 180-day period, which ends on April 18, 1983. Copies of the proposed modifications are available to the public, free of charge. Interested individuals may contact the Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240. Public review and comment is encouraged.

DATES: Comments will be accepted through the close-of-business on April 13, 1983.

Final decisions on modifications will be completed by close-of-business on April 18, 1983, as required by CBRA.

ADDRESSES: Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Lanzone, Manager, Coastal Barriers Task Force, 202–343–4905.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-6769 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

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 regulator 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 reconsiderations; any interesterd 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–80051 March 2, 1983, by decision of March 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to KNOXVILLE TRANSPORT, INC., of Knoxville, IL of Certificate No. MC–13123 (Sub-Nos. 52, 56, 87 and 103), issued May 8, 1969, April 11, 1969, April 20, 1978, and November 24, 1982, respectively, to WILSON FREIGHT COMPANY, of Cincinnati, OH authorizing the transportation as summarized: (1) over regular routes, *general commodities* (with exceptions) (a) between Oklahoma City, OK, and Chicago, IL; (b) between Oklahoma City, OK and Springfield, IL; (c) between Kingdom City, MO and St. Louis, MO; (d) between junction U.S. highways 24 and 40 at Kansas City, MO, and Junction U.S. highways 24 and 40 near Lawrence, KS, and Topeka, KS, serving specified intermediate and off-route points and (2) over irregular routes, *general commodities* and *specified commodities*, including, but not limited to, meat, meat products and meat by-products, farm implements, machinery and parts, clothing, canned goods and groceries, within specified points in AR, IL, IN, KS, MO, OK, and TX. Transferee holds no authority. TA filed. Applicants' representative: Mark Andrews, 1660 L Street, NW., Washington, DC 20036.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6764 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

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.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275-7992.

Volume No. OP1-FC-83

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-KC-81111. By decision of March 9, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to TRUCK AIR OF THE CAROLINAS, INC., Greenville, SC, of a portion of the operating rights contained in Certificate No. MC-145610 Sub 8, issued January 30, 1981, to TRUCK AIR, INC., Birmingham, AL, authorizing the transportation of general commodities (except classes A and B explosives and household goods as defined by the Commission), (1) between points in NC and SC, and (2) between Atlanta, GA, on the one hand, and, on the other, points in NC and SC. Applicants representative: Robert E. Born, 1447 Peachtree Street, NE, Suite 508, Atlanta, GA 30309.

MC-FC-81226. By decision of March 9, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3, approved the transfer to CAREFUL MOVING COMPANY, INC., Brockton, MA, of Certificate No. MC-48641, issued March 27, 1963, to ANGUS R. BEATON, d.b.a. CAREFUL MOVING CO., Abington, MA, authorizing the transportation of household goods, between Brockton, MA, and points in MA within 20 miles of Brockton, on the one hand, and, on the other, points in NH, NJ, ME, CT, NY, RI, and VT. Applicants representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108.

Volume No. OP1-FC-84

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81106. By decision March 8, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to CHRISTIE TRANSFER, INC., North Abington, MA, of Certificate Nos. MC-63871 and (Sub-Nos. 4, 5, 7, 9, 10) issued April 15, 1964, April 4, 1978, October 26, 1981, November 7, 1980, March 31, 1981, and February 9, 1981, respectively, to ANDREWS & PIERCE, INC., North Abington, MA, authorizing the transportation (A) over regular routes, of *general commodities* with exceptions, between specified points in MA and RI, and (B) over irregular routes, of (1) *malt beverages, and materials, equipment and supplies,* from and to South Volney, NY, and points in MA and RI, (2) *insulation and materials, equipment, and supplies,* between the facilities of Bay State Gas Company in Lawrence, MA, on the one hand, and, on the other, points in ME, NH, VT, CT, RI, and NY, (3) *liquefied natural gas, liquefied petroleum gas,* between points in CT, VT, ME, NH, MA, RI, and NY, (4) *such commodities* as are dealt in by grocery and food business houses, and *materials, equipment and supplies,* between points in MA, NH, and ME, (5) *general commodities* with exceptions, between points in MA, and (6) *groceries* from Somerville, MA to points in RI. Transferee is a carrier holding authority in No. MC-144313. An application for temporary authority has been filed. Representative: Joseph M. Klements, 89 State St., Boston, MA 02109.

MC-FC-81140. By decision of March 8, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to R. O. WETZ TRANSPORTATION CO., Marietta, OH, of Certificate Nos. MC-31438 and (Sub-Nos. 4, 5, 7, 10, 11, 12, 13, 14, 16, 17X, 18 and E-1), issued November 15, 1972, September 2, 1954, February 23, 1955, July 1, 1958, December 10, 1958, March 10, 1960, August 6, 1959, January 2, 1975, January 12, 1977, April 25, 1980, September 3, 1981, October 28, 1981, and September 6, 1974, respectively, to ROY O. WETZ d.b.a. R.O. WETZ TRANSPORTATION, Marietta, OH; MC-124059 (Sub-Nos. 1, 2X, 3, and 4) issued October 2, 1962, July 6, 1981, November 25, 1981, and November 2, 1981, respectively, to REJER TRANSPORT, INC., Marietta, OH; MC-136728 and (Sub-Nos. 1, 2, 4, and 5X) issued May 31, 1973, June 2, 1978, October 15, 1979, June 28, 1979, and July 2, 1981, respectively, to HUB FREIGHT SYSTEMS, INC., Marietta, OH, authorizing the transportation of *general and specified commodities,* from, to, and between specified points in the United States. Transferee is not a carrier. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215.

Note.—A directly related application has been filed, docketed MC-165410, published in this same **Federal Register** issue.

MC-FC-81196. By decision of March 8, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to Boone's Moving & Storage, Inc., Altoona, PA, of Certificates No. MC-102971 Sub-Nos. 1, 4, and 5X, issued July 25, 1968, November 22, 1972, and July 1, 1982, respectively, to Lytle's Transfer & Storage, Inc., Altoona, PA, authorizing the transportation over irregular routes of (1) *household goods,* (a) from and to Altoona, PA (and points 20 or 50 miles radially thereof), and MD, NJ, NY, OH and DC, (b) between five PA Counties and NJ, NY, CT, MA, DE, MD, VA, NC, SC, WV, OH, IN, IL, MI and DC, and (c) between Philadelphia, PA, and PA, MD, DE, NJ, NY and DC, (2) *used household goods,* between 24 PA Counties, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, and (3) *household goods and furniture and fixtures,* between (a) six PA Counties and MD, NJ, NY, OH and DC, (b) MD, NJ, NY, OH and DC and 20 PA Counties, (c) five PA Counties and NJ, NY, CT, MA, DE, MD, VA, NC, SC, WV, OH, IN, IL, MI and DC and (d) Philadelphia, PA, and PA, MD, DE, NJ, NY and DC. NOTE: The authority described in (1)(b) and (c) (3)(a)-(d) is radial. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15222. (412) 471-1800.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-FC-144

Bt the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC-FC-81270. By decision of March 9, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to DOVER MOVING & STORAGE, INC., Dover, DE, of Certificate No. MC-133536 Sub 3, issued October 21, 1981, to CAPITOL MOVERS, INC., Dover, DE, authorizing the transportation of (1) *used household goods,* between points in Delaware, points in Northampton and Accomack Counties, VA, and points in Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, MD, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization of unpacking, uncrating, and decontainerization of such traffic; and (2) *household goods,* as defined by the Commission, between points in Delaware, on the one hand, and, on the

other, points in New Jersey, New York, Maryland, Pennsylvania, Virginia, and the District of Columbia. Representative: SE Clark, 753 N Dupont Hwy, Dover, DE 19901, (302) 674-2251, for both transferee and transferor.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-FC-107

Bt the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81261. By decision of March 8, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to FOREST HILLS TRANSFER & STORAGE, INC., of Pittsburgh, PA, of Certificate No. MC-155879 issued March 31, 1982 and Sub 1 issued November 10, 1982, to KEYSTONE EXPRESS, INC., of Scottdale, PA, authorizing the transportation of (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for or on behalf of the U.S. Government between points in the U.S. (except AK and HI), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI) and (3) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between those points in the U.S. in and east of WI, IL, KY, TN, and MS. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, for the Transferee.

MC-FC-81262. By decision of March 8, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to GEORGE R. TREMBLAY & DORIS D. TREMBLAY, DOING BUSINESS AS FILM EXPRESS OF NEW ENGLAND, Pepperell, MA, of Certificate No. MC-72139, issued November 30, 1966, to T. J. CLAVEAU TRANSPORTATION, INC., Hudson, NH, authorizing the transportation of (1) motion picture films and accessories, including advertising matter, over regular routes, (a) between Boston, MA, and White River Junction, VT, serving all intermediate points in NH and VT, and the off-route points of East Jaffrey, Claremont, and Hanover, NH, and Springfield, VT, and (b) between White River Junction, VT, and Burlington, VT, serving all intermediate points, and the off-route points of Northfield, Winooski, and Fort Ethan Allen, VT, over specified routes; and (2) motion picture films, advertising and accessories, over irregular routes, (a) between points in VT and NH, and (b) between Boston, MA, on the one hand, and, on the other, points in NH and VT. Representative: George R. Tremblay, Maple Street, Suburban Village Lot #54, Pepperell, MA 01463.

[FR Doc. 83-6780 Filed 3-15-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP 5-106]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: March 9, 1983.

90-Day Intrastate Motor Common Carriers of Passengers. The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1168, published in the **Federal Register** on November 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1168.6 and 49 U.S.C. 10922(c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be performed. 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 presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 25 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 30 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.

By the Commission, Review Board Number 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are filed under 49 U.S.C. 10922(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate, regular-route authority on November 19, 1982.

Please direct status inquiries to Team 5, (202) 275-7289.

MC 161679 (Sub-3), filed February 3, 1983 (Republication). Previously published in **Federal Register** issue March 3, 1983. Applicant: CAPE TRANSIT CORP., 5501 Ocean Ave., Wildwood Crest, NJ 08260. Representative: Elliott Bunce, 1600 Wilson Blvd., suite 1301, Arlington, VA 22209, (703) 522-0900. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on the route in No. MC 161678 (Sub-No. 1), in part, as follows: To operate over the route between Ocean City, MD and Atlantic City, NJ to provide intrastate service at all intermediate points between North Cape May, NJ and Atlantic City, NJ.

Note.—Applicant seeks to provide regular-route service in intrastate commerce under 49 U.S.C. 10922(c)(2)(B).

This Republication reflects proper decision-notice.

[FR Doc. 83-6783 Filed 3-15-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common 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 47 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 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.

Agatha L. Mergenovich,

Secretary.

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. OP1-87

Decided: March 8, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 165410, filed December 27, 1982. Applicant: R. O. WETZ TRANSPORTATION CO., P.O. Box 566, Marietta, OH 45750. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Note.—The purpose of this application is to eliminate the gateways of Washington County, OH, and Wood County, WV. This application is directly related to No. MC-FC-81140 published in this same **Federal Register** issue.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume. No OP4-146

Decided: March 9, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 146407(Sub-2,), filed February 9, 1983. Applicant: KING CARRIAGE CO., 2200 Victory Parkway, Cincinnati, OH 45206. Representative: Gilbert D. Kaffeman, 124 Madison Ave., Covington, KY 41011, (606) 491-3133. Transporting *general commodities* (except classes A and B explosives, between Cincinnati, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume. No OP4-145

Decided; March 9, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-164967(Sub-1), filed January 14, 1983, previously noticed in the **Federal Register** Of February 15, 1983. Applicant: POCONO MOUNTAIN TRAILS, INC., Box 488 Blairstown, NJ 07825. Representative: Ronald I. Shapss, 450 Deventh Ave., New York, NY 10123, (212) 239-4610. Over regular routes, transporting *Passengers*, between Port Jervis, NY and Atlantic City, NJ, (a) from junction East Main St. and Jersey Ave., in Port Jervis, NY, to junction NJ Hwy 23, then over NJ Hwy 23 to Sussex, NJ, then over unnumbered Hwy to junction U.S. Rte. 206, at Montague, NJ, then over U.S. Rte. 206 to junction Interstate Hwy 295, then over Interstate Hwy 295 to junction access road, then over access road to Interstate Hwy 195, then over Interstate Hwy 195 to NJ route 539, then over NJ route 539 to junction access road, then over access road to Garden State Pkwy., then over Garden State Pkwy. to junction Atlantic City Expwy. then over Atlantic City Expy. to Atlantic City, NJ, and return over the same route, serving all intermediate points, and (b) from junction East Main St. and Jersey

Ave., in Port Jervis, NY over Jersey Ave. to junction Front St., then over Front St. to junction U.S. Rte. 209, then over U.S. Rte. 209 to junction PA Hwy. 611, then over PA Hwy 611 to junction 7th St., then over 7th St., to junction access roads, then over access roads to junction Interstate Hwy. 80, then over Interstate Hwy 80 to junction access roads then over access roads to junction U.S. Rte 46, then over U.S. Rte. 46 to junction NJ Rte. 31, then over NJ Rte. 31 to Junction Interstate Hwy 295, then over Interstate Hwy 295 to junction access roads, then over access roads to junction Interstate Hwy 195 then over Interstate Hwy 195 to NJ Rte. 539, then over NJ Rte. 539 to junction access roads, then over access roads to junction Garden State Pkwy., then over Garden State Pkwy. to junction Atlantic City Expwy., then over Atlantic City Expwy. to Atlantic City, and return over the same route, serving all intermediate points.

Note.—Applicant intends 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. The purpose of this republication is to modify the authority sought to show that applicant intends to provide regular-route service in intrastate commerce.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume. No OP5-109

Decided: March 9, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 162629, filed February 22, 1983. Applicant: GOLDEN PYRAMID ENTERPRISES, INC., 2854 Vermont, Blue Island, IL 60406. Representative: Robert Whitten (same address as applicant), 312-726-5321. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, WI, MI, OH, IN, and MN.

MC 166088, filed February 4, 1983. Applicant: STATE DISTRIBUTORS, INC., 300 N.E. 46th St., Oklahoma City, OK 73105. Representative: Robert McDonough, 2618 Lost Trail, Edmond, OK 73034, (405) 341-6905. Transporting *heating and air conditioning equipment and related products*, between points in OK, TX, and AR.

Volume No. OP5-111

Decided: March 9, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 151878 (Sub-10), filed February 22, 1983. Applicant: THREE WAY CORPORATION, 1120 Karlstad Drive, Sunnyvale, CA 94086. Representative: Charles H. White, Jr., 1019 19th St., NW., Suite 800, Washington, DC 20036, (202) 785-3420. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ampex Corporation, of Redwood City, CA.

MC 155389 (Sub-4), filed February 22, 1983. Applicant: WITS TRANSPORT, INC., P.O. Box 3805, Seattle, WA 98121. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624-2832. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165399, filed February 23, 1983. Applicant: L.S. TRUCKING, INC., 9003 Tara Boulevard, Jonesboro, GA 30236. Representative: Philip L. Martin, 2220 Parklake Dr., NE., Suite 115, Atlanta, GA 30345, (404) 939-9494. Transporting *pulp, paper and related products* between points in the U.S., under continuing contract(s) with Wilcox Walter Furlong Paper Co., of Atlanta, GA.

MC 166398, filed February 24, 1983. Applicant: JOE BALLOR TOWING, INC., 57660 Gratiot, New Haven, MI 48048. Representative: David E. Jerome, 436 North Center, Northville, MI 48167, (313) 348-4433. Transporting (1) *transportation equipment*, (2) *construction equipment*, and (3) *machinery*, between points in MI, OH, IN, and IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166399, filed February 23, 1983. Applicant: E & E TRANSPORT, INC., 18 Hills St., Manchester, CT 06040. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235-5571. Transporting *petroleum and petroleum products* between points in the U.S., under continuing contract(s) with Chevron U.S.A., of Portland, CT, and General Oil Company of Hartford, Inc., of East Hartford, CT.

[FR Doc. 83-6781 Filed 3-15-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor 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 presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major reglatory 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 the 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 application 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.

Agatha L. Mergenovich,

Secretary.

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."

Please Direct Status Inquiries to Team Five at 202-275-7289

Volume No. OP5-112

Decided: March 9, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 59238 (Sub-71), filed February 18, 1983. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 1500 Jackson St., Dallas, TX 75201. Representative: George W. Hanthorn (same address as applicant), (214) 655-7937. (1) Transporting *passengers*, in charter or special operations, between points in the U.S. (except HI). (2) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 161688 (Sub-1), filed February 24, 1983. Applicant: MEDLEY BUS COMPANY, INC., P.O. Box 365, Hamlet, NC 28345. Representative: Bronson Medley, Rt. 1, Box 389-B, Hamlet, NC 28345, (919) 582-3069. 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.

Volume No. OP5-110

Decided: March 9, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 160928, filed February 23, 1983. Applicant: BJD, INC., P.O. Box 661, Bend, OR 97709. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, 503-266-6491. Transporting *passengers*, over regular routes, (1) between Burns and John Day, OR, from Burns over U.S. Hwy 20 to Jct U.S. Hwy 395, then over U.S. 395 to John Day and return over the same route, serving all intermediate points; and (2) between Bend and John Day, OR, from Bend over U.S. Hwy 97 to Redmond, then over OR Hwy 126 to Prineville, then over U.S. Hwy 26 to John Day and return over the same route, serving all intermediate points.

Note.—Applicant seeks to serve communities not regularly served by a certificated motor common carrier of passengers.

[FR Doc. 83-6779 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent witht the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,

Secretary.

For Status, please call Team 1 at 202-275-7992.

Volume No. OP1-85

Decided: March 10, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 142631 (Sub-5)X, filed January 31, 1983. Applicant: L. PEABODY TRUCKING, INC., 4290 Elton St., Baldwin Park, CA 91776. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343, (440) 522-2322. MC 142631 and Subs 1 and 2 permits: Broaden (1) abrasives, insulation materials, fire brick, and fire brick shapes to "such commodities as are used by or dealt in by manufactures of abrasives, insulation, fire brick and fire brick shapes", and (2) the territorial description to between points in the U.S. (except AK and HI), under continuing contract(s) with the named shipper.

For Status, please call Team 5 at 202-275-7289.

Volume No. OP5-105

Decided: March 9, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 150879 (Sub-6)X, filed February 15, 1983. Applicant: MARV McINTOSH, INC., 2212 Jefferson St., Omaha, NE 68107. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501-2028, (402) 475-6761. Lead permit: (1) Broaden to "food and related products" from meats, meat products, meat byproducts, and articles distributed by meat packinghouses; (2) remove restriction of except commodities in bulk, in tank vehicles; and (3) broaden territorial description to between points in the U.S., under continuing contract(s) with named shipper, its subsidiaries, and Divisions.

[FR Doc. 83-6778 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register**

publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-245

The following applications were filed in Region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 100404 (Sub-4–1TA), filed March 1, 1983. Applicant: DAVID L. WALLACE d.b.a. DAVID L. WALLACE TRUCKING, 1829 7th Ave., Belle Fourche, SD 57717. Representative: David L. Wallace (same). *Contract carrier.* Irregular route: *Coconut shell activated carbon,* from Lead, SD to Helena, MT, under continuing contract with Homestake Mining Co., of Lead, SD. Supporting shipper: Homestake Mining Co., Lead, SD.

MC 138415 (Sub-4–2TA), filed March 2, 1983. Applicant: TRAILER EXPRESS, INC., Box 327, Topeka, IN 46571. Representative: Paul D. Borghesani, Katz & Borghesani, Suite 300, Communicana Bldg., 421 South Second St., Elkhart, Indiana 46516. *Contract* irregular: *Motor vehicles,* in truckaway service, from points in Elkhart County, Indiana, to points in the United States (except AK and HI), under continuing contracts with Utilimaster Corp. of Wakarusa, IN. Supporting shipper: Utilimaster Corporation, 65266 State Road 19, P.O. Box 461, Wakarusa, IN 46573.

MC 152256 (Sub-4–3TA), filed March 2, 1983. Applicant: GRAMMER INDUSTRIES, INC., Box 51, Grammer, IN 47236. Representative: Robert B. Hebert, Miller, Faires, Hebert & Woddell, P.C., Attorneys at Law, One Indiana Square, Suite 1600, Indianapolis, IN 46204 (317) 632–6262. *Fertilizer,* from Terre Haute, IN to points in OH, KY, MI and IL; from Danville and East St. Louis, IL to points in IN; from Mt Vernon, IN to points in IL and KY; from Huntington, IN to points in OH, and MI; from Aurora, IN to points in OH and KY; from Wilder, KY to points in OH and IN; and from Henderson, KY to points in IL. Supporting shippers: There are five supporting shippers. Their statements may be examined at the Regional Office listed.

MC 159203 (Sub-4–2TA) filed February 25, 1983. Applicant: ARGOSY TRUCKING, LTD., 260 Inglenook, Winnipeg, Manitoba, Canada. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402. *Contract* irregular: *Lumber, wood products, paper and paper products* between ports of entry on the United States-Canada Boundary Line in ND and MN, on the one hand, and, on the other, points in the Upper Peninsula of MI, MN, ND and WI under continuing contracts with Boise Cascade Corporation and Boise Cascade Canada, Ltd. Supporting shippers: Boise Cascade Corporation of Boise, ID and Boise Cascade Canada, Ltd. of Kenora, Ontario, Canada.

MC 166424 (Sub-4–1TA) filed February 25, 1983. Applicant: HARMONY GROVE TRUCKING, INC., Route 3, Lodi, WI 53555. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. Sorting tables and smokehouses from the facilities of Rasmussen & Associates of Lodi, Inc., at or near Lodi, WI to all points in the U.S. (except AK and HI). An underlying ETA seeks 120 days authority. Supporting shipper: Rasmussen & Associates of Lodi, Inc., Route 1, Box 165A, Lodi, WI 53555.

MC 166486 (Sub-4–1TA) filed March 1, 1983. Applicant: GERIG'S TRUCKING & LEASING, INC., 3903 Limestone Drive, Fort Wayne, IN 46809. Representative: James P. Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885 (219) 422–8884. *Contract* irregular: *General commodities,* except classes A and B explosives, household goods as defined by the Commission and commodities in bulk, between points in the U.S. (except AK and HI) under continuing contract(s) with General Electric Company of Fort Wayne, IN. Supporting shipper: General Electric Company, P.O. Box 2205, Fort Wayne, IN 46801.

MC 139154 (Sub-4–5TA) filed March 3, 1983. Applicant: RICHARDS TRANSPORT, LTD., 1155 McKay Street, Regina, Saskatchewan, Canada S4N 4X9. Representative: Stephen F. Grinnell, 121 South 8th Street, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333–1341. Transporting *lumber and wood products,* between points on the U.S.-Canadian border in MN, MT, and ND on the one hand, and, on the other, points in MN, MT, ND, and SD. Supporting shippers are: Ralph S. Plant, Ltd.; Saskatoon, Saskatchewan; Marathon Forest Products, Regina, Saskatchewan; and Burrows Lumber, Inc., Winnipeg, Manitoba.

MC 154359 (Sub-4–1TA) filed March 3, 1983. Applicant: LOWELL WILKENS, Rural Route 1, Princeton, IN 47670. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202–3357. *Contract carrier,* irregular routes: *Chemicals and related products,* between the facilities of PB&S Chemical Co., Inc. at points in KY, TN, AL, FL, WV, PA, and IN on the one hand, and on the other, points in the U.S. (except AK and HI), under continuing contract(s) with PB&S Chemical Co., Inc. of Henderson, KY. Supporting shipper: PB&S Chemical Co., Inc., 1100 N. Adams, Henderson, KY 42420.

MC 159736 (Sub-4–1TA), filed March, 3, 1983. Applicant: DTX, INC., 500 Hogsback Rd., Mason, MI 48854. Representative: John R. Frederick, c/o DTX, INC., 500 Hogsback Rd., Mason, MI 48854. *Contract carrier:* irregular routes: *General commodities,* (except classes A and B explosives, household goods, and commodities in bulk), between Ashland City, TN and points in the U.S. (except HI and AK), under continuing contract(s) with State Industries, Inc. of Ashland City, TN. Supporting Shipper: State Industries, Inc., Ashland City, TN 37015.

MC 164888 Sub-4–3TA), filed March, 3, 1983. Applicant: TAX AIRFREIGHT, INC., 4430 South Kansas Avenue, Milwaukee, WI 53207. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 633 Odana Road, Madison, WI 53719. *Contract;* irregular; *general commodities (except Classes A and B explosives, household goods as defind by the Commission, and commodities in bulk)* between Milwaukee, WI, and Chicago, IL. Restriction: restricted to transportation performed under continuing contract(s) with Arthur J. Fritz & Co., and Circle Air Freight

Corporation, Harper, Robinson & Co., and Harper Imports. Supporting Shippers: Arthur J. Fritz & Co., 4824 South Tenth Street, Milwaukee, WI 53221; Circle Air Freight Corporation, Harper Robinson & Co., and Harper Imports, 241 West Edgerton Avenue, Milwaukee, WI 53207.

MC 166555 (Sub-4–1TA), filed March, 3, 1983. Applicant: GLENN F. JOHNSON, Altona, Il 61414. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Water tanks, farrowing stalls and liquid manure handling equipment,* between Galva, IL on the one hand, and on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Pearson Brothers Company, Inc. An underlying E/T/A seeks 120 days authority. Supporting Shipper: Pearson Brothers Company, Inc., Galva, IL 61434.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 42487 Sub-6–75TA), filed March, 3, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Contract;* irregular, *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 with Wal-Mart Stores, Inc. of Bentonville, AR, for 270 days. Supporting Shipper(s): Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 166609 (Sub-6–1TA), filed March 3, 1983. Applicant: DAVID URY d.b.a. D & D TRUCKING, 2804 228th NE., Arlington, WA 98223. Representative: Jim Pitzer, 15 South Grady Way—Suite 321, Renton, WA 98055. *Contract Carrier,* irregular routes: *General Commodities (except A & B explosives) that may be dealt in by wholesale and retail hardware stores,* from Rosemont and Chicago, IL to points in MT, ID, OR and WA under continuing contract(s) with S & N Services, S & N Transport and All States Shippers Association, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: All States Shippers Assoc., Inc., 5202 Wesley Terrace, Chicago, IL 60656. S & N Services and S & N Transport, Inc., P.O. Box 673, Rosemont, IL 60018.

MC 166612 (Sub-6–1TA), filed March 4, 1983. Applicant: AKAMAI ENTERPRISES, INC. d.b.a. DESIGN DISPATCH SYSTEMS, INC., P.O. Box 171, Phoenix, AZ 85034. Representative: Patricia M. Wheeler, 1401 East Watkins Road, Phoenix, AZ 85034. *Furniture and fixtures* between points in AZ and that portion of CA lying in and south of the counties of San Bernardino, Kern, and San Luis Obispo, and Clark County, NV, for 270 days. Supporting shipper: The Office Warehouse, Inc., 2246 S. Central Ave., Phoenix, AZ 85004.

MC 166610 (Sub-6–1TA), filed March 3, 1983. Applicant: MANUEL V. HUERTA, 397 Mi Casa, Nagales AZ 85621. Representative: (Same as applicant.) *Contract Carrier,* irregular routes: *beer* from points in CA and TX to Tucson, AZ for the account of Finley Distributing Co., Inc., for 270 days. Underlying ETA seeks 120 day authority. Supporting shipper: Finley Distributing Co., Inc., 2104 S. Euclid, Tucson, AZ 85713.

MC 124233 (Sub-6–1TA), filed March 4, 1983. Applicant: INTERNATIONAL STAGE LINES INC., 4171 Vanguard Road, Richmond, B.C. CD V6X 2P6. Representative: Robert John McMynn (same address as applicant). *Passengers and their baggage in the same vehicle,* from, to, or between points in WA, OR, CA, NV, AZ, ID, CO and MT for 270 days. Applicant intends to tack. Supporting shipper: Red Velvet Tours and Travel Ltd., Red Velvet Tours and Travel (WA) Inc., 2263 Kingsway, Vancouver, B.C. V5N 2T6.

MC 151837 (Sub-6–3TA), filed March 4, 1983. Applicant: NEIL HARRIS & LAJEAN HARRIS a Partnership d.b.a. L & N TRUCKING, P.O. Box 2617, Idaho Falls, ID 83401. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Contract Carrier,* irregular routes: *Lumber* from St. Anthony, ID to points in AZ, CA, CO, NM, NV, OK, TX, UT and WY, under continuing contract with Idaho Forest Industries, Inc., of Coeur d'Alene, ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Idaho Forest Industries, Inc., P.O. Box 1030, Coeur d'Alene, ID 83814.

MC 143503 (Sub-6–7TA), filed March 4, 1983. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: David B. Schneider, 210 W. Park Avenue, Suite 1120, Oklahoma City, OK 73102. *General Commodities,* between points in CA under continuing contracts with J.C. Penney Company, Inc., for 270 days. Applicant intends to interline. Supporting shipper: J.C. Penney Company, Inc., 1301 Avenue of the Amercias, New York, N.Y. 10019.

MC 165887 (Sub-6–1TA), filed March 3, 1983. Applicant: R & H TRUCKING, INC., P.O. Box 410, St. Anthony, ID 83445. Representative: Lynn Hossner, Fremont County Courthouse, St. Anthony, ID 83445. *Fertilizer, lumber, building materials, coal, salt, pipe and water* between points within: CA, OR, WA, NV, MT, WY, AZ, CO, NM, TX, and ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 9 shippers. Their statements may be examined in the office listed.

MC 166593 (Sub-6–1TA), filed March 3, 1983. Applicant: TLTK TRUCKING, INC., 5433 W. 117th St., Inglewood, CA 90304. Representative: Terry E. Morgan, 2131 Almanor St., Oxnard, CA 93030. *Contract,* irregular; (1) *Equipment, machinery and supplies* used in water dispensing, processing, packaging and distribution of bottled water under continuing contract(s) with Arrowhead Puritas Water's, Inc. of Monterey Park, CA. and (2) *Plastic manufacturing machinery; and equipment and supplies* used in the manufacture of plastics under continuing contract(s) with Pacific Engineering Co. of Orange, CA, for 270 days. Supporting shipper(s): Pacific Engineering Co., 1648 North O' Donnell Way, Orange, CA 92667, Arrowhead Puritas Water's Inc., 2 Cupania Circle, Monterey Park, CA 91754.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6785 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15139]

Motor Carriers; Carson Truck Lines, Inc.; Purchase Exemption; B&G Trucking, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982) Carson Truck Lines, Inc., seeks an exemption from the requirement under Section 11343 of prior regulatory approval for acquisition of a portion of the motor carrier operating rights of B&G Trucking, Inc., i.e. Certificate No. MC–146820 (Sub-No. 23), which authorizes the motor common carrier transportation, over irregular routes, of general commodities (with certain exceptions) between points in Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia on the one hand, and on the other,

points in the United States (except Alaska and Hawaii).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2353, Interstate Commerce Commission, Washington, D.C. 20423;

and

(2) Petitioner's representative: A. Charles Tell, 100 East Broad St., Columbus OH 43215.

Comments should refer to No. MC–F–15139.

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 contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 10, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6788 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC–F–15140; OP4F–148]

Motor Carriers: Cates Trucking, Inc.; Purchase Exemption; Sawyer Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed By Motor Carriers* 367 I.C.C. 113 (1982), Sawyer Transport, Inc. (Sawyer) (MC–123407), and (Cates) (MC–138562) seek an exemption from the requirement of prior regulatory approval for the purchase by Cates of a portion of Sawyer's authority. A temporary authority application has been filed.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423;

and

(2) Petitioner's representatives: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240;

and

(3) Carl L. Steiner, 135 South La Salle Street, Suite 2106, Chicago, IL 60603.

Comments should refer to No. MC–F–15140.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representatives. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 9, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6787 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15153; 0P5 McF–108]

Motor Carriers; Continuance in Control Exemption; Thermo Transport, Inc., Peterson Express, Inc., and F & F Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures-Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Walter R. Key, William P. Fallon, Charles Fallon, Robert Sweeney, Richard White, and Douglas Peterson, who jointly control Thermo Transport, Inc, (No. MC–145359) and Peterson Express, Inc. (MC-162104), seek an exemption from the requirements of prior regulatory approval under 49 U.S.C. 11343 for their continuance in control of F & F Transport, Inc.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to :

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423;

and

(2) Petitioner's representative: Donald W. Smith, P. O. Box 40248,Indianapolis, IN 46240.

Comments should refer to No. MC–F–15153.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 8, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR DOC. 83-6782 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC–F–15136; OP4F–147]

Motor Carriers; Steel Transport, Inc.; Purchase Exemption; Sawyer Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property* under 49 U.S.C. 11343, 367 I.C.C. 113 (1982), Steel Transport, Inc. (Steel), a regulated motor carrier (No. MC–153552), and, in turn, Kenneth R. Paulan, who controls Steels, seek an exemption from the requirement under section 11343 of prior regulatory approval for the acquisition of control of a portion of the operating rights of Sawyer Transport, Inc. (Nathan Yorke, Trustee-in-Bankruptcy), (Sawyer), a regulated motor carrier (No. MC–123407), through purchase of a portion of Sawyer's Sub-No. 668X certificate (paragraphs (1a), (1b), (1c), and (1d), and 44, 45, 72, 89, 92, 144, 176, 215, 266, and 291).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESS: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's Representative: Carl L. Steiner, 135 South La Salle Street, Chicago, IL 60603.

Comments should refer to No. MC–F–15136.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 9, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6786 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30119]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment Exemption in Itasca County, MN

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by the Burlington Northern Railroad Company, of 2.91 miles of track in Itasca County, MN, subject to conditions for the protection of employees.

DATE: This exemption will be effective on April 15, 1983. Petitions to stay the effectiveness of this decision must be filed by March 28, 1983, and petitions for reconsideration must be filed by April 5, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: Alan R. Post, 176 East Fifth Street, St. Paul, MN 55101.

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

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: March 10, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Commissioner Simmons did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6776 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-123]

Certain CT Scanner and Gamma Camera Medical Diagnostic Imaging Apparatus; Change of the Commission Investigative Attorney

Notice is hereby given that, as of this date, Patricia Ray, Esq., of the Unfair Import Investigations Division will be the Commission Investigative Attorney in the above-cited investigation instead of John Bryant, Esq.

The Secretary is requested to publish this notice in the **Federal Register.**

Dated: March 8, 1983.

David I. Wilson,

Chief, Unfair Import Investigations Division.

[FR Doc. 83-6644 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-139]

Certain Caulking Guns; Change of the Commission Investigative Attorney

Notice is hereby given that, as of this date, Lynn Levine, Esq., of the Unfair Import Investigations Division will be the Commission Investigative Attorney in the aboved-cited investigation instead of Jeffrey Neeley, Esq.

The Secretary is requested to publish this notice in the **Federal Register.**

Dated: March 8, 1983.

David I. Wilson,

Chief, Unfair Import Investigations Division.

[FR Doc. 83-6637 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-141]

Certain Copper-Clad Stainless Steel Cookware; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 4, 1983, under section 337 of the Tariff Act of 1930, as amended, (19 U.S.C. 1337), on behalf of Revere Copper and Brass, Inc., 605 Third Avenue, New York, New York 10158. The complaint alleges unfair methods of competition and unfair acts in the importation into the United States of certain copper-clad stainless steel cookware, or in its sale, by reason of alleged (1) false representation of product; (2) false and deceptive advertising; (3) common law trademark infringement; (4) false designation of manufacturer and/or false designation of geographic origin; and (5) passing off. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue both a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of investigation: Having considered the complaint, the U.S. International Trade Commission, on March 3, 1983, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unauthorized importation into the United States of certain copper-clad stainless steel cookware, or in its sale, by reason of alleged (1) false representation of product; (2) false and deceptive advertising; (3) common law trademark infringement; (4) false designation of manufacturer and/or false designation of geographic origin; and (5) passing off, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is Revere Copper and Brass Inc., 605 Third Ave., New York, New York 10158.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Hai Dong Stainless Ind. Co., P.O. Box 584, Pusan, Korea

Ilshin Stainless Co., Ltd., 393 Samlag-Dong, Buk-ku, Pusan, Korea

Dae Sung Industrial Co., Ltd., #370-32 Sinpyung-Ding, Seo-Gu, Pusan, Korea

Baek Yang Stainless Steel Ind. Co., Ltd., B–531, Dong Dai Mun Chain Store Bldg., 89–3 Chungno-Ku, Chungho-Ku, Seoul, Korea
Bum Koo Industrial Co., Ltd., 660–19, Majoun-ri, Kumdan-myun, Kimpo-kun, Kyungki-do, C.P.O. Box 9392, Seoul, Korea
Gum Jong Stainless Steet Company, 370–57 Shin Peong-dong Seo-Ku, Pusan, Korea
Jeil Stainless Steel Ind. Co., 772–1, Kamcheon-dong, Seo-ku, Pusan, Korea
Jun Han Ind. Co., Ltd., 3–7, 1-ka, Pildong, Chung-ku, Seoul, C.P.O. Box 2305, Seoul, Korea
Kana Molson Co., Ltd., Koryo Bldg., Room 312, 24, l-ka Shinmoon-ro, Jongro-ku, C.P.O. Box 5622, Seoul, Korea
Shin Woo Stainless Steel Ind. Co., 371–6, Dukpo-dong, Buk-ku, Pusan, Korea
Sue Jin Metal Ind. Co., Ltd., 162, Incheon Jackjun-dong, Buk-ku, C.P.O. Box 1989, Seoul, Korea
Tae Chang Ind. Co., Ltd., 288–2, Misanri, Siheng-kun, Kyungki-do, C.P.O. Box 2739, Seoul, Korea
Woo Sung Co., Ltd., Room 302, Young han Bldg. 59–23, 3-ka, Chung mu-ro, Chung-ku, C.P.O. Box 8181, Seoul, Korea
Kyung-dong Ind. Co., Ltd., 77–2, 3-ka Munrae-dong, Yeongdeung Po-ku, Seoul, Korea
Daelim Trading Co., Ltd., 146–12 Soosung-dong, Chongro-Ku, C.P.O. Box 2813, Soul, Korea
Daewoo Industrial Co., Ltd., 286 Yong-Dong, Jung-Gu, C.P.O. Box 2810, Soul, Korea
NAMIL Metal Co., Ltd., 1101 Chun Soo Bldg., 47–6, Supyo-dong, Chung-ku, Soul, Korea
Hosung Trading Co., Ltd., G.P.O. Box 8002, Soul, Korea
Sae Bang Trading Co. Ltd., 199 Wonnam-dong, Jongro-Ku, K.P.O. Box 832, Soul, Korea
Sang Jin Metal Ind. Co., C.P.O. Box 2218, Soul, Korea
Sam Sung Co., Ltd., C.P.O. Box 1144, Soul, Korea
Daewoo International America Corp., 100 Daewoo Place, Carlstadt, New Jersey 07072
Davidcraft Corp., 6208 North Broadway, Chicago, Illinois 60660
Ken Carter Industries, Inc., 1220 Broadway, Suite 408, New York, New York 10001
Progressive International Corp., 413 Fairview Avenue, North Seattle, Washington 98109
Trend Products Company, 5301 Laurel Canyon Boulevard, North Hollywood, California 91607
G&S Metal Products Company, Inc., 3330 East 79th Street, Cleveland, Ohio 44137
Venture Stores, 615 Northwest Plaza, St. Ann, Missouri 63074
Horn and Hardart Company, Inc., Hanover House Industries, Inc., 1163 Avenue of the Americas, New York, New York 10036
K–Mart Corp., 3100 W. Big Beaver Road, Troy, Michigan 48084
Montgomery Ward & Co., Montgomery Ward Plaza, Chicago, Illinois 60671
Sears Roebuck & Co., Sears Tower, Chicago, Illinois 60684
Roses Stores, Inc., Drawer 947 Henderson, North Carolina 27536
Aldens, Inc., 5000 W. Roosevelt Road, Chicago Illinois 60607
Fingerhut Corp., P.O. Box 1279, Minneapolis, Minnesota 55440
Wal-Mart Stores, Inc., 702 S.W. 8th Street, Box 116, Bentonville, Arizona 72712
Bradlees, Division of Stop & Shop, Inc., One Bradlee Circle, Box 100, Braintree, Massachusetts 02184
Ganble-Skogmo, Inc., 5100 Gamble Drive, Highways 12 and 100, Box 458, St. Louis Park, Minnesota 55440
Ann & Hope, Inc., Mill Street, Cumberland, Rhode Island 02864
Alexanders Department Store, Inc., 500 Seventh Avenue, New York, New York 10022
Riviera, GRF, Inc., Albany, New York 12205
Carol Wright Gifts, Department F528, 809 P Street, P.O. Box 8514, Lincoln, Nebraska 68544
Celadon Copper Bottom Cookware, Celadon Trading Corp., 440 Park Avenue South, New York, New York 10016
Zayre Corp., 770 Cochituate Road, Framingham, Massachusetts 01701
National Brand Distributors Corporation, Dajers Inc., New York, New York 10001
Target Stores, Inc., 777 Nicollet Mall, Minneapolis, Minnesota 55402
Coast to Coast Stores, P.O. Box 80, Minneapolis, Minnesota 55440
Ben Franklin, Division of Household Merchandising, Inc., 1700 South Wolf Road, Des Plaines, Illinois 60018
TG&Y Stores Company, 3815 North Sante Fe, Box 25967, Oklahoma City, Oklahoma 73125
Western Auto Supply Co., 2107 Grand Avenue, Kansas City, Missouri 64108
L.S. Ayres & Co., 1 West Washington Street, Indianapolis, Indiana 46204
New Process Co., 220 Hickory Street, Warren, Pennsylvania 16366
Charter Catalogs, Inc., 3186 Marjan Drive, Atlanta, Georgia 30340
Merchandisers' Association, Inc., 4544 West 103rd Street, Oak Lawn, Illinois 60453
Mutual Merchandising Cooperative, Inc., 200 Madison Avenue, New York, New York 10016
Consumers Distributing Ltd., USA, 205 Campus Plaza, Edison, New Jersey 07728

(c) Juan S. Cockburn, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 128, Washington, D.C. 20436, shall be the Commission investigation attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a wavier of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436. Phone: 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Juan S. Cockburn, Esq., Unfair Import Investigations Division, Room 128, U.S. International Trade Commission, telephone 202–523–1272.

By order of the Commission.

Issued: March 10, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–6535 Filed 3–15–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337-TA-132]

Certain Hand-Operated, Gas-Operated Welding, Cutting and Heating Equipment and Component Parts Thereof; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on April 18, 1983 in Room 201, Waterfront Center, 1010 Wisconsin Avenue, NW., Washington, D.C., and the hearing will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the **Federal Register**.

Issued: March 8, 1983.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 83-6838 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-132]

Certain Hand-Operated, Gas-Operated Welding, Cutting and Heating Equipment and Component Parts Thereof; Commission Decision To Review Initial Determination and Schedule for Filing Briefs

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined to review the presiding officer's initial determination denying temporary relief in the above-captioned investigation.

AUTHORITY: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53 and 210.54 of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982; to be codified at 19 CFR 210.53 and 210.54)

SUPPLEMENTARY INFORMATION: On February 7, 1983, the presiding officer issued an initial determination denying complainant's request for temporary relief. Complainant Victor Equipment Co. and the Commission investigative attorney have petitioned for review of the initial determination pursuant to § 210.54(a) of the Commission's rules.

After examining the petitions for review and a response thereto, the Commission concludes that there are issues warranting review. Specifically, the Commission will review the following questions: (1) Whether the temporary relief hearing conducted by the presiding officer violated due process of law as guaranteed by the 5th Amendment; (2) whether the temporary relief hearing violated the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*; (3) whether the overall design of complainant Victor's welding equipment is functional (the parties are specifically requested to brief the issue of whether the Commission should apply the doctrine of "aesthetic functionality"); (4) whether the overall design of Victor's welding equipment has acquired "secondary meaning" (the parties are specifically requested to brief the issue of whether close and deliberate intentional copying raises a rebuttable presumption of secondary meaning under the Commission's decision in *Certain Novelty Glasses*, Inv. No. 337-TA-55, USITC Pub. No. 991 (July 1979), and, if so, whether respondents have rebutted the presumption); (5) whether there is a likelihood that complainant will succeed in establishing "passing off"; and (6) whether the domestic industry will incur "immediate and substantial harm" in the absence of temporary relief. The Commission's review will be limited to the issues listed above. No other issues will be considered. The record on review will be limited to evidence submitted at the temporary relief hearing. Persons submitting briefs are reminded that any arguments must be based on the evidentiary record before the presiding officer.

Commission hearing on violation: The Commission concludes that review of the initial determination as to violation of section 337(e) does not require oral argument in this instance. Accordingly, the Commission will not schedule a hearing on the issue of whether there is reason to believe that there has been a violation of section 337 at this time. Pursuant to § 210.56 of the rules, a party may submit a request for oral argument, which the Commission in its discretion may grant or deny. Any request should state with specificity the reasons that oral argument is appropriate.

Commission hearing on remedy, bonding and the public interest: If the Commission reverses the presiding officer's determination as to whether there is reason to believe there is a violation of section 337, the Commission will schedule and hold a hearing on the issues of remedy, bonding, and the public interest.

Written submissions: The parties to the investigation and interested Government agencies are encouraged to file briefs on the issue of whether there is reason to believe that there has been a violation of section 337. Such briefs must be filed not later than the close of business on March 24, 1983.

Additional information: Persons submitting briefs must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadlines stated above. Any person desiring to submit a document (or a portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the **Federal Register** of October 6, 1982, 47 FR 44172.

Copies of the nonconfidential version of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

Issued: March 9, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6843 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-136]

Certain Marine Hardware and Accessories; Change of the Commission Investigative Attorney

Notice is hereby given that as of this date, Arthur Wineburg, Esq., of the Unfair Import Investigations Division, will be the Commission investigative attorney in the above-cited investigation instead of Oreste Russ Pirfo, Esq.

The Secretary is requested to publish this notice in the **Federal Register**.

Dated: February 24, 1983.

David I. Wilson,

Chief, Unfair Import Investigations Division.

[FR Doc. 83-6842 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-140]

Certain Personal Computers and Components Thereof; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: March 7, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 83-6840 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-118]

Certain Sneakers With Fabric Uppers and Rubber Soles; Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of exclusion order.

SUPPLEMENTARY INFORMATION: On February 28, 1983, the Commission unanimously determined with respect to the above-captioned investigation that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation of certain sneakers with fabric uppers and rubber soles into the United States, and in their sale, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States. In addition, the Commission determined that a general exclusion order pursuant to subsection (d) of section 337 is the most appropriate remedy for the violation found to exist, that the public-interest factors enumerated in subsection (d) do not preclude the issuance of such an order, and that the amount of the bond under subsection (g) of section 337 should be 266 percent of the entered value of the articles concerned. The Commission Action and Order and the Commission Opinion in support thereof were issued on March 9, 1983.

The notice instituting the investigation and defining its scope was published in the **Federal Register** on March 9, 1982 (47 FR 10103).

The Commission Action and Order, the Commission Opinion, and all other nonconfidential documents on the record of the investigation are available for public inspection Monday through Friday during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Catherine R. Field, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0143.

Issued: March 9, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6839 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-87 (Final)]

Hot-Rolled Carbon Steel Plate From Brazil

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines, pursuant to section 705(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)), that an industry in the United States is materially injured by reason of imports of hot-rolled carbon steel plate [2] which have been found by the Department of Commerce to be subsidized by the Government of Brazil.

Background

The Commission instituted this investigation effective June 14, 1982, following a preliminary determination by the Department of Commerce that there was a reasonable basis to believe or suspect that subsidies were being provided to manufacturers, producers, or exporters of hot-rolled carbon steel plate in Brazil.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on July 1, 1982 (47 FR 28847). The hearing was held in Washington, D.C., on September 1-3, 1982, and all persons who requested the opportunity were permitted to appear in person or by counsel.

On September 7, 1982, however, the Department of Commerce suspended its countervailing duty investigation concerning hot-rolled carbon steel plate from Brazil because of an agreement by the Government of Brazil to offset all benefits which Commerce found to constitute subsidies with an export tax on all exports of the subject merchandise to the United States (47 FR 39394, Sept. 7, 1982). Accordingly, pursuant to section 704(f)(1)(B) of the Tariff Act (19 U.S.C. 1671c(f)(1)(B)), the Commission also suspended its investigation (47 FR 41884, Sept. 22, 1982).

On September 22, 1982, a request to continue the investigation was filed with Commerce and the Commission pursuant to section 704(g)(2) of the Tariff Act (19 U.S.C. 1671c(g)(2)) by counsel for Republic Steel Corp., Inland Steel Co., Jones & Laughlin Steel, Inc., National Steel Corp. and Cyclops Corp. Similar requests were received from United States Steel Corp. on September 24, 1982, and from counsel for Bethlehem Steel Corp. on September 27, 1982. Accordingly, effective September 22, 1982, the Commission continued its investigation (47 FR 47707, Oct. 27, 1982).

The final determination by the Department of Commerce that subsidies are being provided in Brazil to manufacturers, producers, or exporters of hot-rolled carbon steel plate was published in the **Federal Register** on January 20, 1983 (48 FR 2568). As noted by the Department of Commerce in its final determination, "If the final determination by the ITC is negative, the suspension agreement shall have no force or effect. If the final determination by the ITC is affirmative, the suspension agreement shall remain in effect."

The Commission transmitted its report on the investigation to the Secretary of Commerce on March 7, 1983. A public version of the Commission's report, Hot-Rolled Carbon Steel Plate from Brazil (investigation No. 701-TA-87 (Final)), USITC Publication 1356, March 1983), contains the views of the Commissioners and information developed during the investigation. Copies may be obtained by contacting the Office of the Secretary, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-5178.

By order of the Commission:

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i), 47 FR 6190, Feb. 10, 1982).

[2] For purposes of this investigation, the term "hot-rolled carbon steel plate" refers to plate provided for in items 607.6615, 607.9400, 606.0710, and 608.1100 of the Tariff Schedules of the United States Annotated (1983).

Issued: March 7, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6835 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[332-159]

A Study on the Conditions of Competition Between Imported and Domestically Produced Pianos

AGENCY: International Trade Commission.

ACTION: Following receipt, on February 15, 1983, of a letter from the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives, the Commission instituted investigation No. 332-159 under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), for the purpose of gathering and presenting information on the conditions of competition between imported and domestically produced pianos. The Commission will be seeking, in particular, information on price competition between Japanese and American made pianos and information on conditions within the domestic industry generally, including data on shipments, production, employment, productivity, and other relevant indicators.

EFFECTIVE DATE: March 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Watkins or Mr. Richardo Witherspoon, General Manufactures Division, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202-724-0976 or 202-724-0978, respectively.

PUBLIC HEARING: A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on June 23, 1983, to be continued on June 24, 1983, if required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, June 16, 1983.

WRITTEN SUBMISSIONS: In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements must be received no later than July 1, 1983. All submissions should be addressed to the Secretary at the Commission's Office in Washington, D.C.

Issued: March 7, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6841 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-91; Final]

Sodium Nitrate [1] From Chile

Determination

On the basis of the record [2] developed in the subject investigation, the Commission determines, pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(1)), that an industry in the United States is materially injured by reason of imports from Chile of industrial grade sodium nitrate which have been found by the Department of Commerce to be sold in the United States at less than fair value; and that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from Chile of agricultural grade sodium nitrate which have been found by the Department of Commerce to be sold in the United States at less than fair value.

Background

The Commission instituted this investigation effective November 15, 1982, following a preliminary determination by the Department of Commerce that there was a reasonable basis to believe or suspect that imports of sodium nitrate from Chile were being sold in the United States at less than fair value.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on December 1, 1982 (47 FR 54179). The hearing was held in Washington, D.C., on February 1, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on March 10, 1983. A public version of the Commission's Sodium Nitrate from Chile (investigation No. 731-TA-91 (Final), report, USITC Publication 1357, March 1983), contains the views of the Commissioners and information developed during the investigation. Copies may be obtained by contacting the Office of the Secretary, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-5178.

By Order of the Commission.

Issued: March 10, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6850 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[1] Sodium nitrate is provided for in item 480.2500 of the Tariff Schedules of the United States Annotated (1983). Agricultural grade sodium nitrate contains less than 98 percent, by weight, of sodium nitrate and industrial grade sodium nitrate contains 98 percent or more, by weight, of sodium nitrate.

[2] The record is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i), 47 FR 6190, Feb. 10, 1982).

DEPARTMENT OF JUSTICE

Office of the Attorney General

Consent Judgment in Resource Conservation and Recovery Act Enforcement Action; Ronald S. West et al.

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent judgment in *United States* v. *Ronald S. West, et al.*, Civil Action No. C 80-1342M, has been lodged with the United States District Court for the Western District of Washington. The consent judgment requires Chemical Processors, Inc. to maintain compliance with Federal statutes and regulations dealing with hazardous wastes at its Lucile Street facility in Seattle, Washington.

The consent judgment may be examined at (1) the office of the United States Attorney, Western District of Washington, 3600 Seafirst 5th Avenue Plaza, 800 Fifth Avenue, Seattle, Washington 98104, (2) the office of the Environmental Protection Agency, Region X, Office of Regional Counsel, 1200 6th Avenue, Seattle, Washington 98101, and (3) the Environmental

Enforcement Section, Land and Natural Resources Division, of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent judgment may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, of the Department of Justice. The Department of Justice will receive comments relating to the consent judgment for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *United States* v. *Ronald S. West, et al.*, DOJ Reference #90-7-1-168.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-6780 Filed 3-15-83; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Oscar J. Jackson, M.D.; Denial of Application

On November 24, 1982, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration directed an Order to Show Cause to Oscar J. Jackson, M.D., 1628 Broadway, Vallejo, California 94590 (Respondent) seeking to deny the application Respondent executed December 5, 1981, for registration as a practitioner under 21 U.S.C. 823 in Schedules IIN, III, IIIN, IV, and V. The statutory ground for the Order under 21 U.S.C. 824(a)(2) was Respondent's conviction in the United States District Court for the Northern District of California on December 3, 1981, of one count of distribution of a controlled substance in violation of 21 U.S.C. 841(a)(1), a felony conviction relating to controlled substances. Respondent submitted a letter stating his position on the matters of fact and law involved and waiving his right to a hearing pursuant to 21 CFR 1301.54(c). The Acting Administrator has considered the file in this matter, including Respondent's submission, and enters this final order pursuant to 21 CFR 1301.54(e) and 1301.57.

The Acting Administrator finds that Dr. Jackson pled *nolo contendere* to one count of a 14-count indictment. The indictment and Respondent's plea stem from undercover purchases of prescriptions for controlled substances made by employees of the California Bureau of Investigation and Narcotic Enforcement. From May 20, 1980 to August 7, 1980, these employees purchased prescriptions for methaqualone, Empirin with codeine #4, Dexamyl and Ionamin from Respondent at his former office at 1352 Haight Street, San Francisco, California. Each of these prescriptions was issued in violation of the law and none of the prescriptions were medically justified. In each case Respondent conducted a cursory medical examination or no medical examination at all. On separate occasions a female employee of the Bureau of Investigation and Narcotic Enforcement obtained prescriptions from Respondent for Empirin #4, Dexamyl, methaqualone and Ionamin. On two occasions a male employee posing as her boyfriend obtained prescriptions for Empirin #4, Dexamyl and methaqualone. On one occasion Respondent sold precriptions for Empirin #4 and methaqualone to the female employee in the name of her "boyfriend." Two other female employees obtained prescriptions for methaqualone, Dexamyl and Empirin #4 with codeine from Dr. Jackson.

In his letter, Respondent states that he practiced naive and sloppy medicine. He describes his prescribing habits as lax and naive, and states that he did not intentionally commit the crimes to which he pled *nolo contendere*. He states that he practiced medicine in the Haight Ashbury section of San Francisco, a neighborhood with a large population of "poor, social misfits, addicts and mental patients." He states further that his actions were due at least in part to a lack of training regarding prescriptions. He is currently involved in educating other physicians in proper prescribing practices. Dr. Jackson concludes his letter by stating that he has suffered great mental anguish, financial loss and a loss of status in the medical community.

The Acting Administrator concludes that the denial of Respondent's application is the proper course of action in this matter after due consideration of all the facts in this matter, including Respondent's letter. Respondent's naivete or lack of training in proper handling of controlled substances simply does not excuse his actions in selling this quantity of drugs illegally. The Acting Administrator is not satisfied that Dr. Jackson will not continue to handle controlled substances improperly. While Dr. Jackson's desire to educate his fellow physicians is laudable, the Acting Administrator cannot conclude that Dr. Jackson is not capable of responsibility handling controlled substances.

A plea of *nolo contendere* to a controlled substance related felony results in a conviction under 21 U.S.C. 824(a)(2), and therefore can provide the ground for a denial of application. *Sokoloff* v. *Saxbe*, 501 F.2d 571 (2nd Cir. 1974). It is the decision of the Acting Administrator to deny the application for registration executed by Dr. Jackson on December 5, 1981. Accordingly, under the authority vested in the Attorney General by 21 U.S.C. 824 and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby denies the Respondent's application for DEA registration effective April 15, 1983.

Dated: March 11, 1983.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 83-6800 Filed 3-15-83; 8:45 am]

BILLING CODE 4410-09-M

POSTAL RATE COMMISSION

Visit; Washington D.C.

March 9, 1983.

Notice is hereby given that members of the Commission and a number of advisory staff members will visit the Washington (DC) Post Office on Wednesday, March 16, at 4:00 p.m., for the purpose of gaining general knowledge and understanding of the operations of the Postal Service's new ZIP + 4 sorting equipment. A report will be on file in the Commission's Docket Room.

David F. Harris,

Secretary.

[FR Doc. 83-6739 Filed 3-15-83; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19586; File No. ODD-83-1]

American Stock Exchange, Inc., et al.; Listed Options on Stock Indices

March 10, 1983.

On January 11, 1983, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, N.Y. 10006, the Chicago Board Options Exchange, Incorporated ("CBOE"), 141 West Jackson Boulevard, Chicago, IL 60604, and the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, NY 10005, pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (the "Act"), supplied to the Commission preliminary copies of an options

disclosure document with respect to standardized options on stock indices. On February 28, 1983, the exchanges filed a revised Stock Indices Options Disclosure Document with the Commission. The Stock Indices Options Disclosure Document is a supplement to the basic options disclosure document which was prepared by the Amex, CBOE, the Pacific Stock Exchange, Incorporated and the Philadelphia Stock Exchange, Inc. On October 18, 1982, the Commission issued an order allowing distribution of the basic options disclosure document to investors.[1]

Rule 9b–1 provides that an options market must file five preliminary copies of an options disclosure document with the Commission at least 60 days prior to the date definitive copies are furnished to customers unless the Commission determines otherwise having due regard to the adequacy of the information disclosed and the protection of investors. This provision is intended to permit the Commission either to accelerate or extend the time period before definitive copies of a disclosure document may be distributed to the public.

The Commission staff has reviewed the Stock Indices Options Disclosure Document and finds that it is consistent with the protection of investors and in the public interest to allow the distribution of the disclosure document as of the date of this order.[2]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–6856 Filed 3–15–83; 8:45 am]

BILLING CODE 8010–01–M

[1] *See* Securities Exchange Act Release No. 19153.

[2] Rule 9b–1 provides that the use of an options disclosure document shall not be permitted unless the options class to which the document relates is the subject of an effective registration statement on Form S–20 under the Securities Act of 1933. In this regard, on March 9, 1983, the Commission, pursuant to delegated authority, declared effective Options Clearing Corporation's Form S–20 registration statement with respect to the options described in the Stock Indices Options Disclosure Document. *See* File No. 2–82033.

[Release No. 19587; File No. SR–CBOE–22–20]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

March 10, 1983.

I. Introduction

In October 1982, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604 filed with the Commission proposed rule changes to accommodate the listing and trading of options on stock indices generally, and proposed to commence trading initially the CBOE–100 Index option. The Commission approved both the proposed general enabling rule changes and the specifically proposed option contract based on the CBOE–100 Index, a newly-created broad market index.[1]

Following approval of these proposed rules, the CBOE filed with the Commisison, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), and Rule 19b–4 thereunder, proposed rule changes providing minimum customer margin requirements applicable to customers holding "uncovered" short positions in stock index options. In addition, the exchange proposed a definition of a "covered" short position in a stock index option. Finally, the exchange proposed to adjust the value of the CBOE–100 Index by resetting the value of the index as of its starting date and to decrease the index multiplier from $500.00 as originally proposed, to $100.00. Subsequently, the exchange submitted an amendment providing for an adjustment of the minumum margin if and to the extent the index option is "out-of-the-money."[2]

II. Terms of the Proposed Rule Changes

The proposed rule changes providing for margins on stock index option positions establish a premium-based margin similar to the margins applicable to options on debt instruments.[3] In order respects, the proposed amendments are relatively minor adaptations to existing rules applicable to all options.

With respect to long positions in CBOE–100 stock index options, current exchange rules applicable to options on equity securities are unaltered. Specifically, no put or call option carried in a customer account is permitted to have loan value for the purpose of calculating margin, thereby requiring that the purchase price of an options contract be paid in full.

The CBOE proposes that, for options on the CBOE–100 Index that are issued, guaranteed or carried short in a customer's account, the minimum margin shall be 100 percent of the current market value of the option contract (*i.e.*, the current option premium) plus 10 percent of the current index value times the index multiplier.[4] However, that margin amount shall be decreased to the extent that the index option is "out-of-the-money."[5]

An exemption from the foregoing margin requirements would be provided for short positions that are fully covered. In the case of a call, a short options position would be considered covered if the customer held in the same account as the short position a long position in the same index option with the same index multiplier, where the expiration date of the long call is the same as or subsequent to the expiration date of the short call and the exercise price of the long call is equal to or less than the exercise price of the short call.[6] In the case of a put, a short options position would be considered covered if the customer held in the same account a long position in the same index option with the same index multiplier where the expiration date of the long put is the same as or subsequent to the expiration date of the short put and the exercise price of the long put is equal to or greater than the exercise price of the short put.[7]

The exchange has also proposed reduced margin requirements for partially covered positions. First, when the exercise price of the long call index

[1] The CBOE stock index option proposed rule changes were initially filed on October 14, 1982. Amendment No. 1 was filed on November 1, 1982. Notice of the proposed rule change and the amendment was given by Securities Exchange Act Release Nos. 19172 (October 25, 1982) and 19219 (November 8, 1982), and by publication in the **Federal Register** (47 FR 49512 (November 1, 1982) and 47 FR 51251 (November 12, 1982)). Approval of the proposed rule change, as amended, was given by Securities Exchange Act Release No. 19264, (November 22, 1982), 47 FR 53981 (November 30, 1982). *See* File No. SR–CBOE–82–11.

[2] The CBOE proposed rule filing providing minimum customer margin requirements relating to stock index options was filed on January 10, 1983. Amendment No. 1 was filed on February 8, 1983. *See* Securities Exchange Act Release Nos. 19419 (January 11, 1983) and 19500 (February 10, 1983), 48 FR 2615 (January 20, 1983) and 48 FR 7665 (February 23, 1983). *See* File No. SR–CBOE–82–20.

[3] *See, e.g.*, Securities Exchange Act Release No. 19128 (October 14, 1982), 47 FR 46929 (October 21, 1982) in which the Commission approved proposed rule changes with respect to margin for options on securities issued by the United States Department of the Treasury ("Treasury options"). *See* File Nos. SR–Amex–81–1, SR–CBOE–81–27 and SR–NYSE–81–18.

[4] CBOE Rule 24.11. For example, if the CBOE–100 Index had a closing value of 155.52, as on March 7, 1983, the minimum margin would be the current option premium plus $1550.52 (155.52 times $100 (the index multiplier) times .10 = $1550.52).

[5] An index call option contract is "out-of-the-money" to the extent that the aggregate exercise price of the option (*i.e.*, the stated index value times the index multiplier) exceeds the current value of the index times the index multiplier. A put option is "out-of-the-money" to extent that the current value of the index times the index multiplier exceeds the aggregate exercise price of the option.

[6] CBOE Rule 24.1(b).

[7] *Id.*

option (or short put index option) is greater than the exercise price of the offsetting short call index option (or long put index option) margin is required equal to the difference in aggregate exercise prices. Second, when a customer carries a short position in an index put option which is offset by a short position in an index call option, in which both the index call and put are subject to the same index multiplier, the margin required for the combined short positions shall be the greater of the margin required for the short put option or the short call option, plus the amount of any unrealized loss on the other option contract.[8]

The proposed rule change would redesignate the value of the CBOE–100 Index by resetting the value of the index at 100 (rather than 50) as of its starting date, and adjust the subsequent values accordingly. The rule change would also decrease the value of the multiplier from $500.00 to $100.00. The exchange has proposed these two changes with respect to the value of the index in order to improve the depth and liquidity of the market and so that the size of the contract would approximate the size of most equity options contracts.[9]

III. Discussion

Pursuant to Section 7 of the Act, 15 U.S.C. 78g, the Board of Governors of the Federal Reserve System (the "FRB") prescribes the rules and regulations with respect to the amount of credit that may be initially extended and subsequently maintained on any security, including options on securities. Subject to these minimum standards, exchanges may establish additional margin requirements.

Regulation T currently prescribes margin of 30 percent, subject to certain adjustments, for options on equity securities.[10] The staff of the Federal Reserve Board ("FRB") has noted that, while the CBOE's proposed margin for the CBOE–100 Index options contract is considerably lower than this margin level, it is roughly comparable to the margins set by the major futures exchanges on stock index futures contracts and on options on stock index futures.[11] The FRB staff indicated that it currently is working with the SEC and the Commodity Futures Trading Commission staffs on a comprehensive margin study, and is in the process of completing revising Regulation T. It has represented that modifications of Regulation T made necessary by these various new instruments will be incorporated in this revision. Until that time, the FRB staff has indicated that it would be consistent with prior FRB action involving options if initial margin for uncovered options on the CBOE–100 Index was established equal to the maintenance margin contained in CBOE rules approved by the Commission.[12]

Under Section 19(b)(2) of the Act, the Commission must approve a proposed rule change if it determines that it is consistent with the requirements of the Act and the rules thereunder applicable to national securities exchanges. Among other things, the Commission must find that a proposed rule is designed to protect investors and the public interest and does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Commission has examined carefully the margin rules submitted by the CBOE. The extension to options on stock indices, and, in particular, the CBOE–100, of the prohibition against long options positions having loan value in a margin account is fully consistent with the original application of the prohibition to options on equity securities. In particular, because an option represents a contractual right of a limited duration, an options contract is a wasting asset whose value diminishes as the expiration date approaches. In addition, because of the leverage involved, option premiums are subject to significant volatility. These features, which have been deemed to warrant a proscription against the purchase of equity options on margin as well as rendering such options unsuitable as collateral for the purchase of other securities, are equally applicable to options on stock indices.

For margin on uncovered short positions the exchange has developed a formula which it believes will yield margin deposits that will provide adequate credit protection for member firms. The exchange has developed these margin formulas by studying the historic volatility of the underlying CBOE 100 Index over seven business day periods.[13] The proposed margin formula yields an amount that covers a substantial percentage of seven day price movements. The Commission and the exchange believe that a formula designed to produce margin levels sufficient to cover nearly all but less than 100 percent of historic price movements is appropriate. In periods of significant price volatility, member firms can, and it is likely that they in fact would, require that margin deficiencies be eliminated in periods of less than seven days, and in response to a customer's failure to do so, can liquidate the customer's options position. Moreover, existing margin rules enable the CBOE at any time to impose higher margin requirements than are prescribed by its rules when it deems that such higher margin requirements are appropriate.[14]

In light of these considerations, the Commission believes that the proposed margin formula for uncovered short positions is appropriate.[15] Given the degree of financial leverage made possible by the proposed margin formula, however, the Commission remains concerned that unsophisticated and undercapitalized investors not be subjected to unreasonable risks of loss through transactions in stock index options. In this regard, the Commission wishes to emphasize to both the exchange and its member firms the need for rigorous application of exchange rules governing opening of accounts and suitability to ensure that market participants understand and are financially able to bear the risks of stock index options trading.[16]

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[8] CBOE Rule 24.11(c) (1) and (2).

[9] The index would continue to be calculated in the same manner. For example, the closing value of the contract on March 7, 1983 was $15,552 (155.52 x $100.00).

[10] *See* 12 CFR 220.8(j)(1).

[11] *See* letter to Richard Ketchum, Associate Director, Division of Market Regulation, SEC, from Laura Homer, Securities Credit Officer, FRB, dated March 9, 1983 (the "FRB letter").

[12] In that regard, the FRB previously has amended Regulation T to provide that the appropriate margin for options on exempted debt securities shall be the amount specified by the rules of the national securities exchange on which the options are traded, provided those rules have been approved by the SEC. *See* 12 CFR 220.8(j)(2).

[13] Seven days is the maximum period of time permitted a customer under Regulation T to satisfy a deficiency in a margin account. 12 CFR 220.3(e). Member firms and exchanges, of course, are free to prescribe a shorter period of time.

[14] CBOE Rule 12.3(d).

[15] For this reason, and consistent with the position taken by the FRB staff in the FRB letter, the Division of Market Regulation would not recommend that the Commission take action under Regulation T provided the margin requirements of the instant CBOE rule change, and the other terms and conditions set forth in the FRB letter, are complied with, even if that results in margin less than that set forth in Regulation T for equity security options.

[16] The Commission notes, however, because of the unique cash settlement nature of stock indices, a market participant with a covered position such as a long and short position in an index option with the same exercise price (a "calendar spread"), may nevertheless be partially at risk. This would occur if the participant was assigned an exercise notice on its short position and was unable to close out or exercise its long position at a price equal to the price at which it was exercised on its short position. The Commission intends to monitor the experience of market participants in this area to determine if modification of the margin rules is required.

The Commission also finds that the proposed changes to the value of the index and composition of the index are appropriate.

IV. Findings and Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder and, in particular, the requirements of Section 6 and the rules and regulations thereunder.[17]

Further, the Commission finds good cause for approving the proposed amendment providing for an adjustment of margin when an index option is "out-of-the-money" prior to the thirtieth day after the date of publication of notice of filing thereof for a number of reasons. First, the amendment providing for reduced margin for out-of-the-money options would conform, in this respect, the requirements for proposed stock index option margin to the requirements in place for all other exchange-traded options. This amendment therefore would eliminate a financial obligation not deemed necessary for other options contracts and may thereby enhance the depth and liquidity of the new market. Second, since the CBOE plans to commence trading in the CBOE-100 stock index options on March 11, 1983, absent the accelerated approval of this filing, as amended, broker-dealers would be required to develop computer programs for stock index option margin accounts or manually process accounts with transactions in index options on a temporary basis until the out-of-the-money adjustment was approved. Either procedure would impose substantial administrative burdens and operational costs. Thus, although the amendment providing for "out-of-the-money" adjustments is not absolutely essential to the initiation of stock index options trading, the accelerated approval of this amendment will eliminate confusion and significantly reduce regulatory and administrative burdens on broker-dealers preparing to trade the CBOE-100 stock index option.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

[17] The margin rules that the Commission is approving today are those applicable to options on broad market indices such as the CBOE-100 Index. Different margin rules may be appropriate for more narrow based, or sector indices.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6857 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19588; SR-CBOE-83-2]

Chicago Board Options Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment To Proposed Rule Change

March 10, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 18, 1983, and March 8, 1983, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Securities and Exchange Commission, respectively, the proposed rule change and the proposed amendment to the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change as amended from interested persons.

The CBOE proposes to amend Rule 24.1(g) to provide that the "closing index value" means the last index value reported on a business day. The purpose of this amendment is to eliminate confusion as to the effect of a value of an index corrected after 3:30 p.m. Central Standard Time ("CST"). Instead the CBOE will report a definitive closing index value approximately one hour after the close of trading, which will be used to determine the amount of cash that must be delivered to settle on exercise and to determine margin requirements.

Secondly, the CBOE proposes Rule 24.1(h) to provide that the term "reporting authority" with respect to a particular index means the institution or reporting service designated by the Exchange as the official source for calculating and disseminating the current value of the index. Although the CBOE will be the reporting authority for the CBOE-100 Index, in the future, the CBOE may wish to designate another entity as the reporting authority for the CBOE-100 stock index or some other index that will be the basis for options trading.

Finally, the proposed Rule 24.12 proposes to limit the liability of the exchange as a result of errors, omissions or delays in calculating of disseminating the current index value resulting from an act, condition or cause beyond the reasonable control of the Exchange, or any error, omission or delay in the reports of the current index value by the Exchange. The purpose of proposed Rule 24.12 is to clarify that CBOE liability resulting from an error, omission or delay in calculating or disseminating the current index value must be based on a failure of the exchange to exercise reasonable care.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Reference should be made to File No. SR-CBOE-83-2.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change and the proposed amendment to the proposed rule change are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the commencment of CBOE stock index options trading is imminent and the Commission believes that the proposed rule changes are appropriate and desirable. First, the Commission believes it is desirable to determine a definitive index closing value in order to eliminate confusion in settlement procedures relative to stock index options. Secondly, the Commission believes it is appropriate to approve the CBOE rules relating to its liability so that these rules are effective prior to the commencement of trading.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6858 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19589; (SR-CBOE-83-3)]

Chicago Board Options Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

March 10, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 4, 1983, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.[1]

The CBOE is proposing two rule changes relating to the trading, exercise and clearance of stock index options. First, proposed rule 24.13 provides that the opening rotation for stock index options shall be held as soon as practicable after the openings of securities representing 50 percent of the aggregate market value of the index have occurred on the principal exchange where the securities are traded. At that time, the Order Book Official shall open first those series of a class which have the nearest expiration. Thereafter, the Order Book Official shall open the remaining series in a manner he deems appropriate. After one and one-half hours following the opening rotation, trading in the stock index option shall become subject to Rule 24.7, which provides that trading in the index option shall be halted whenever trading in underlying stocks, whose weighted value represents more than 20 percent of the aggregate market value of the index, is halted or suspended. Pursuant to proposed rule 24.13, however, he may also suspend trading in the index option prior to the one and one-half hour period set forth in rule 24.7, if the CBOE determines such a suspension would be in the public interest.

Second, the CBOE proposes to amend CBOE Rule 11.1, titled "Exercise of Option Contracts," to provide supplemental procedures for the exercise of stock index options.[2] Specifically, member organizations must accept from all customers and market makers exercise instructions for stock index options up until, but no later than 3:10 p.m., Central Standard Time ("CST"). The notice of exercise must be time-stamped at the time it is received or prepared. Second, a memorandum to exercise a stock index option contract issued or to be issued in a firm account must be prepared no later than 3:10 p.m. The above provisions, however, would not be applicable to expiring series on the business day preceding expiration.

The proposed rule change concerning the opening rotation is intended to provide for the prompt opening of stock index options on a daily basis based on the current market value of a significant portion of the index. The exchange believes the 50 percent standard balances the concerns of opening trading in a derivatively-priced index option without complete opening price information on all stocks comprising the index against the need for generally prompt opening rotations necessary to establish a fair and orderly market and enhance market liquidity.

The CBOE's proposed rule change with respect to the exercise of index options will enable persons holding long positions to tender exercise notices on a given day knowing the value of the index at the close of trading. Conversely, in order to protect holders of short positions in index options from unanticipated events occurring after the close of the market, no exercise notice may be issued in a firm account after 3:10 p.m. CST, the close of trading of the options on the CBOE. The exchange believes that these supplemental procedures relating to the exercise stock index options are necessary and appropriate. First, by the extension of the exercise cut-off time to 3:10 p.m. CST, the holder of a long position is able to properly value the index option, since settlement is based on the value of the index at the time of the closing of the market. Secondly, however, because a writer of a stock index option, as a result of cash settlement, is unable to cover his position in the same manner as the writer of an equity option, the prohibition against exercise after 3:10 p.m. CST provides the appropriate protection for persons holding short positions at the end of the day against changes that occur subsequent to the close of the market.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Reference should be made to File No. SR-CBOE-83-3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above mentioned self-regulatory organization.

The Commission finds, for the reasons noted above, that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the commencement of CBOE stock index options trading is imminent and the Commission believes that the proposed rule change is critical to a fair and efficient commencement of index options trading for the reasons suggested above. The Commission had requested previously that the exchange consider the proposed rule change which the exchange subsequently submitted. Accordingly, the Commission finds that it is in the public interest to approve the proposed rule change prior to the thirtieth day after the date of publication of notice of filing because the Commission believes these rules provide fair and orderly opening rotations and exercise procedures.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above, be, and it hereby is, approved.

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[1] CBOE had filed an earlier rule change SR-CBOE-83-3 which it has withdrawn.

[2] CBOE Rule 11.1, to be amended by adding proposed section .04 to "Interpretations and Policies" of Rule 11.1.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6928 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19590; File No. SR-CBOE-83-6]

Chicago Board Options Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

March 10, 1983.

The Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, submitted on March 9, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend its Rule 4.16 with respect to restrictions on exercise of index options. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would except index options from the general rule barring the CBOE Board of Directors from imposing or continuing restrictions on exercise of an option during the ten business days prior to the option's expiration date. Instead, for index options, this period would be reduced so that restrictions could be in effect until the opening of business on the last trading day before the expiration date.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Reference should be made to File No. SR-CBOE-83-6.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the commencement of CBOE stock index options trading is imminent and the Commission believes that the proposed rule change is desirable since it will allow the CBOE Board of Directors to reduce the advantage arising for those in long positions over those in short positions during trading halts in the last ten business days prior to expiration. The advantage arises from the ability of longs to exercise during the trading halt, receiving in settlement the cash difference between the exercise price and the last index value, while shorts are locked into their positions by virtue of the trading halt. The proposed rule change gives CBOE the flexibility needed to minimize this advantage and to meet extraordinary circumstances as they arise. Unless the Commission approved the proposed rule change before the commencement of trading, all series of CBOE-100 index options opened at the commencement of trading would be subject to the 10-day limitation until those series expired, and only with respect to options series opened after the approval of the proposed rule change could the CBOE impose exercise restrictions until the final day of trading. Accordingly, the Commission finds that it is in the public interest to approve the proposed rule change prior to the thirtieth day after the date of publication of notice of filing.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6860 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13087; (812-5094)]

E.F. Hutton & Company, Inc.; E.F. Hutton Life Insurance Co.; and the Variable Accumulation Separate Account of E.F. Hutton Life Insurance Co.; Applicaton for an Order of Exemption

March 9, 1983.

Notice is hereby given that E.F. Hutton & Company, Inc. ("E.F. Hutton"), One Battery Park Plaza, New York, New York 10004, E.F. Hutton Life Insurance Company ("Hutton Life") and the Variable Accumulation Separate Account of E.F. Hutton Life Insurance Company ("Account") 11011 North Torrey Pines Road, P.O. Box 2700, La Jolla, California 92038, (collectively the "Applicants") filed an application on January 27, 1982 and amendments thereto on October 14, 1982, January 7, 1983, and March 2, 1983, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for exemptions from the provisions of Sections 2(a)(32), 2(a)(35), 17(f), 22(c), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rules 17f-2 and 22c-1 thereunder, to the extent necessary to permit the transactions described in the application. All interested persons are referred to the application and amendments on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and Rules thereunder for a statement of the relevant provisions.

Hutton Life established the Account, which is registered under the Act as a diversified open-end management investment company, to fund variable accumulation contracts ("Contracts"). E.F. Hutton, which is under common control with Hutton Life, is the principal underwriter of the Contracts, the Account's investment adviser, and also may perform brokerage services for the Account. Purchase payments under the Contracts will be allocated to one or more of three series of the Account (money market, equity, and bond and income), and all assets of the Account will be deposited in the safekeeping of Croker National Bank ("Bank"), whose functions and facilities are supervised by federal banking authorities.

Hutton Life will deduct an asset charge equal to 1.19% of the average daily net assets of the Account. This charge is comprised of a mortality risk charge and an expense risk charge which on an annual basis will equal .84% and .35%, respectively. Applicants assert that this asset charge is reasonable and compares favorably

with charges of other comparable separate accounts, and the basis for this assertion is reflected in documents on file with the Applicants.

Hutton Life will deduct a $30 contract maintenance charge on December 31 of each year. This charge is also imposed when a Contract is initially purchased, but is prorated based upon the number of days remaining in the calendar year. There is no refund of any portion of this charge if a Contract is surrendered on a date other than December 31, and Hutton Life reserves the right to change the amount of the charge, with Commission approval. Applicants assert that this charge is designed to cover the costs of administrative services related to the maintenance of each Contract (not including expenses of administering the Account), and that it does not include a profit element.

Purchase payments which have been deposited under a Contract for six years or more may be withdrawn without charge, and one withdrawal per contract-year will be exempt from any charge on amounts up to 10% of the value of the Contract. A contingent deferred sales charge will be imposed upon additional withdrawals at the rate of 5% for a payment on deposit one year or less, declining by 1% for each additional year the payment has been on deposit. Withdrawals are handled on a first-in, first-out basis, and no charge will be imposed on withdrawn amounts in excess of aggregate purchase payments.

Any premium taxes with respect to a Contract will be paid by Hutton Life when due and deducted from the contract value upon annuitization. However, when state law does not permit postponement of the deduction of premium taxes until annuitization, premium taxes will be deducted from premiums when received.

The Account pays an investment advisory fee to E.F. Hutton, the Account's adviser, at an annual rate of .40% of the average daily net assets of the money market and bond and income series and .50% of the average daily net assets of the equity series. In arranging the purchase and sale of portfolio securities E.F. Hutton may deal with such members of securities exchanges, brokers or dealers, including itself, as may in its best judgment provide prompt and reliable execution of the transaction at favorable security prices and reasonable commission rates. In selecting broker-dealers for a particular portfolio transaction, E.F. Hutton will consider all relevant factors, including the execution capabilities required by the transaction, the importance of speed, efficiency or confidentiality, and a broker-dealer's apparent familiarity with sources from whom or to whom particular securities might be purchased or sold.

Applicants state that when E.F. Hutton receives compensation for effecting portfolio transactions on behalf of the Account the requirements of Section 17(e)(2)(A) of the Act and Rule 17e–1 thereunder will be met. These provisions generally require that commissions paid to E.F. Hutton not exceed amounts which are reasonable and fair compared to the commissions received by other brokers in connection with comparable transactions involving similar securities being purchased or sold on a securities exchange during a comparable period of time. Additionally, the board of driectors of the Account, including a majority of the directors who are not "interested persons" of the Account, must adopt and review annually procedures designed to provide that commissions paid to an affiliated broker adhere to the standards set forth in the Rule. The Account's procedures necessitate a review and comparison of commission rates of brokers able to provide comparable services and best execution, as well as a review of the discounts allowed by the affiliated broker to its most favored customers involving comparable securities at a similar period of time, to ensure that when the affiliated broker is utilized the Account receives commission rates at least as favorable as the rates charged the affiliated broker's most favored customers.

The Account proposes to maintain custody of its own investments in accordance with Rule 17f–2. However, with regard to Rule 17f–2(d), Applicants propose that the designees of the Account's board resolution relating to access to the investments be officers or responsible employees of Hutton Life, rather than of the Account, and that representatives of the California Department of Insurance be provided access in the same manner as representatives of the Account's independent public accountant. In this regard, Applicants state that Hutton Life is subject to extensive regulation by the California Department of Insurance which conducts periodic examinations of Hutton Life's functions and physical facilities, and that such supervision and the safekeeping arrangements described in the application protect the Account's assets sufficiently to satisfy the pruposes of relevant statutory provisions.

Applicants state that to the extent the Bank does not take physical delivery of certain securities or assets purchased by the Account, the requirements of Section 17(f) of the Act and the rules thereunder will be met.

Relief Requested

Applicants request the following exemptions: from Sections 2(a)(32), 2(a)(35), 22(c), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder to the extent deemed necessary or appropriate to impose the contingent deferred sales charge; from Section 27(c)(2) to the extent deemed necessary or appropriate to impose the contract maintenance charge and asset risk charge, and to deduct the investment advisory fee and premium taxes; and from Section 17(f), Rule 17f–2 thereunder, and Section 27(c)(2) to the extent deemed necessary or appropriate to allow the custodial arrangements described above.

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 31, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–6854 Filed 3–15–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19581; File No. SR-CBOE-82-18]

Filing and Immediate Effectiveness of Proposed Rule Change; Chicago Board Options Exchange, Inc.

March 10, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 9, 1982, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The rule change as proposed establishes fines of $100 (for the first offense in a calendar quarter) and $500 (for subsequent offenses in the same quarter) against members whose clerks are observed accessing any analytical data terminal on the Board of Trade Building's eighth floor. The rule change's purpose is to control access to the terminal by limiting use to members and thus provide for orderly administration of the Exchange pursuant to Section 6(b)(5) of the Act.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Reference should be made to File No. SR-CBOE-82-18.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6855 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

March 10, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Verbatim Corporation
Common Stock, No Par Value (File No. 7-6543)
Newhall Investment Properties
Depositary Receipts for Units of Interest (File No. 7-6544)
Newhall Resources
Depositary Receipts for Units of Interest (File No. 7-6545)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 31, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6853 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-12349]

Union Tank Car Co.; Application and Opportunity for Hearing

March 11, 1983.

Notice is hereby given that Union Tank Car Company (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of The First National Bank of Chicago under two existing indentures which were not qualified under the Act, and under another existing indenture which was qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify The First National Bank of Chicago from acting as successor trustee under such qualified indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of Subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

(1) The First National Bank of Chicago is presently acting as Trustee under the Company's Series C-1 Deed of Trust and Mortgage dated as of September 15, 1974, and Series P-1 Equipment Trust Agreement dated as of April 1, 1974. The aggregate principal amount of Series C-1 First Mortgage Sinking Fund Equipment Notes outstanding as of February 28, 1983 was $16,770,000 and the aggregate principal amount of Series P-1 Equipment Trust Certificates outstanding as of February 28, 1983 was $56,470,000.

(2) Wells Fargo Bank, N.A., which presently serves as Trustee for the Applicants Series 16 Equipment Trust Agreement dated as of June 1, 1979, has indicated its intention to resign as Trustee on an appropriate date subsequent to April 5, 1983. The aggregate principal amount of Series 16 Equipment Trust Certificates outstanding as of February 28, 1983 was $60,000,000.

(3) The Applicant desires to appoint The First National Bank of Chicago as Successor Trustee for the Series 16 Equipment Trust and The First National Bank of Chicago has indicated its agreement to so act.

(4) The Equipment Trust Certificates (or, in the case of Series C–1, the First Mortgage Sinking Fund Equipment Notes) issued under the Series 16, Series C–1 and Series P–1 Trust Agreements are each secured by a separate lot of identified railroad cars so that, should The First National Bank of Chicago, as the successor Trustee for the Series 16 Equipment Trust or as the Trustee for the Series C–1 or Series P–1 Equipment Trusts, have the occasion to proceed against the security of any one of these Equipment Trusts, such action would not affect the security, or the use of any security, under the other Equipment Trusts. Thus, the existence of the other trusteeships should in no way inhibit or discourage the Trustee's action.

(5) The Applicant is not in default under any of its Equipment Trust obligations.

The Applicant has waived notice of hearing, and any and all rights to specify procedures under the Rules of Practice of the Commission with respect to the application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 450 5th Street, NW., Judiciary Plaza, Washington, D.C. 20549.

Notice is further given that any interested person may, not later than April 5, 1983, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Judiciary Plaza, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and in the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6801 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19571; File No. SR-MCC-83-1]

Self-Regulatory Organizations; Proposed Rule Change; Midwest Clearing Corp.; Relating To MCC's Policy Regarding Bookentry Movements

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 4, 1983 the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Rule 6, Section 5 of the Rules of the Midwest Clearing Corporation is hereby amended as follows:

Additions Italicized—[Deletions Bracketed]

Rule 6

Delivery and Withdrawal of Securities and Cash Settlement Activity Reports; Cash Settlement

Sec. 5. No change in text.

[The following should be added as new paragraph to Sec. 5.]

Notwithstanding any provision in these Rules to the contrary, any action taken by the Corporation pursuant to an instruction received by the Corporation for a Participant (the "deliverer") to deliver securities from the deliverer's account to the account of another Participant at MSTC (the "receiver") by bookentry on a business day for which, pursuant to such instruction, payment is to be made by the receiver through the facilities of the Corporation shall, notwithstanding the nature of such action, not constitute an entry on the books of the Corporation reducing the account of the deliverer and increasing the account of the receiver by the amount of the obligation or the number of shares or rights subject to the instruction until the earlier of (the "effective time") (a) the time it is finally determined by the Corporation that the receiver has a "collect" cash settlement or (b) the time the receiver pays any balance due the Corporation ("pay" cash settlement), as finally determined by the Corporation for such business day, to the Corporation in the manner specified in these Rules. In the event the Corporation, prior to the effective time, ceases to act for the Participant with respect to transactions generally pursuant to Rule 15 or ceases to act for the Participant pursuant to Rule 16, the Corporation shall have the right either:

(i) to retain in the deliverer's account the securities which are subject to the instruction and

(a) if the deliverer's money account with the Corporation shall have been credited with the amount of money to be paid in respect of such instruction and the deliverer shall not have effected its money settlement with the Corporation for such business day, to charge the deliverer's money account for such business day by such amount, or

(b) if the deliverer's money account with the Corporation shall have been credited with the amount of money to be paid in respect of such instruction and the deliverer shall have effected its money settlement with the Corporation for such business day to charge the deliverer's money account for such business day by such amount, which amount shall be settled by the deliverer in its money settlement with the Corporation on the next business day,

or

(ii) to complete the transaction contemplated by the instruction, sell out the securities subject to the instruction, and credit the proceeds of such sale to the receiver's money account with the Corporation;

provided, however, that the securities subject to such an instruction have not been

(i) transferred out of the receiver's account by book entry for value, or

(ii) physically withdrawn by the receiver and physically delivered by the receiver to a third party for value.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at

the places specified in Item IV below. The self-regulatory orgainzation has prepared summaries, set forth in sections (A), (B) and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to clarify MCC's rights with respect to bookentry movements (Depository Delivery Instructions—DDI's) between participants for value. Under the rule, if MCC receives a DDI versus payment from a participant, the receiving participant defaults on payment, and MCC ceases to act for the receiving participant prior to payment, MCC has the right to either reverse the instruction and return the securities to the delivering participant's position or credit such participant's account for payment and sell out the securities. The proposed rule change merely sets forth MCC's rights under the existing legal relationship between MCC and its participants regarding bookentry movements. MCC merely acts as agent for its participants and makes the bookentry movements upon instructions from its participants. The rule explicitly sets forth that MCC Rules do not guarantee payment against bookentry transfers or third party deliveries, and that MCC is performing delivery services solely on behalf of, and for the account of, its participants and is only obligated to deliver to its participants those funds which it actually receives from the parties to whom securities are delivered.

The interpretation is consistent with Section 17(A)(b)(3) fo the Securities Exchange Act of 1934, in that it helps assure the safeguarding of securities and funds which are in the custody or control of MCC or for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatoy Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were solicited, but none were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the proposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of the filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6665 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19578; Amdt. No. 1 to File No. SR-Amex-82-20]

Self-Regulatory Organizations; Proposed Rule Change; American Stock Exchange, Inc.; Amendment of Exchange Rule 462

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 28, 1983, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission Amendment No. 1 to the above filing to reflect changes in the Statement and Terms of Substance in Item I and the Statement of Purpose in Item II below. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex" or the "Exchange") is amending SR–Amex–82–20 to provide that margin for a short put or short call may be reduced by the amount that the option is out-of-the-money, subject to a minimum margin of the amount of the option premium plus 2% of the product of the current index group value and the index multiplier applicable to the option contract.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* In File No. SR–Amex–82–20, the Exchange proposed that the minimum margin requirements for stock index options be an amount equal to the option premium plus 10% of the product of the current index group value and the index multiplier applicable to the option contract. No reduction in margin requirements was provided for out-of-the-money options. The determination of margin levels was based on an economic study of margin systems conducted by the Amex and on comments by the SEC. (The study was attached to the original submission.)

The study had demonstrated that adequate coverage for stock index options was provided when the amount of margin held for a customer uncovered short position was equal to the option

premium plus 5% of the product of the current index group value times the index multiplier. Pursuant to SEC request, the Amex increased the "add-on" percentage to 10%.

The proposed margin system was based on the assumption that, if the margin held for a customer uncovered short option position was equal to the amount of the option premium after an unfavorable price change occurred in the underlying security, the broker-dealer was protected since he could liquidate the option without loss if the customer failed to provide additional margin. The Exchange designed the system based on anticipated price changes in deep-in-the-money options since the premium changes of such options are approximately equal to the changes in underlying security prices (the hedge ratio is approximately one).

As our study notes, even at the 5% add-on level the proposed margins are higher than necessary for at- or out-of-the-money options since the system requirements are based on hedge rations of one, whereas the hedge ratios for at- or out-of-the-money options are normally much lower. With a 10% "add-on" percentage, out-of-the-money options could be greatly overcovered and therefore the amount of margin required can be safely reduced as the option moves out-of-the-money. As an example, even with the proposed out-of-the-money reduction, the margin would be premium plus 5% when the option was 5% out-of-the-money.

Accordingly, the Exchange has amended Rule 462(d)(2)(D) to provide that the margin for a short put or short call may be reduced by the amount that the option is out-of-the-money, subject to a minimum margin of the amount of the option premium plus 2% of the product of the current index group value and the index multiplier.

The Exchange considers that, from a good faith standpoint, more than adequate coverage is being provided by the proposed change. Overmargining of out-of-the-money options would inhibit the use of the proposed options without providing any compensating benefits.

(2) *Basis.* The proposed rule changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and the rules and regulations thereunder applicable to the Exchange, and, in particular, Section 6(b)(5) of the 1934 Act, in that they would promote just and equitable principles of trade and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 9, 1983.

George A. Fitzsimmons,

Secretary.

Exhibit A—American Stock Exchange, Inc.

It is proposed that Rule 462 be amended as follows. (Brackets [ ] indicate words to be deleted; italics indicate changes previously filed with the Commission and arrows ►◄ indicate proposed new changes.)

Rule 462. Minimum Margins

(a) through (d)(2)(B)—no change.

(C) For purposes of this paragraph (d)(2), obligations issued by the United States Government shall be referred to as United States Government obligations. Mortgage pass-through obligations guaranteed as to timely payment of principal and interest by the Government National Mortgage Association shall be referred to as GNMA obligations.

The terms "stock index group", "stock index option", "current index group value", "exercise price", and "index multiplier", when used with reference to a stock index option, shall have the meanings set forth in Rule 900C.

The terms "current market value" *and "current market price"* [of], *when used with reference to an option contract,* shall mean the total cost or net proceeds of the option [transaction] *contract* on the day [the option] *it* was purchased or sold and at any other time shall [be] *mean* the preceding business day's closing price of that option *contract* [as shown by] *indicated by* any regularly published reporting or quotation service.

(D) Subject to the exceptions set forth in subparagraphs (F) through (K) of this paragraph (d)(2) the minimum margin on any put or call issued, guaranteed or carried "short" in a customer's account shall be:

(i)—no change.

(ii)—no change.

(iii) In the case of puts and calls *listed or traded on a registered national securities exchange and representing options on stock index groups, 100% of the current market value of the option contract plus 10% of the product of the current index group value and the index multiplier applicable to the option contract.* ►In each case, the amount shall be decreased by any excess of the aggregate exercise price of the option over the product of the current index group value and the applicable index multiplier in the case of a call, or any excess of the product of the current index group value and the applicable index multiplier over the aggregate exercise price of the option in the case of a put; provided, however, that the

minimum margin required on each such option contract shall not be less than 100% of the current market value of the option contract plus 2% of the product of the current index group value and the applicable index multiplier. ◄

* * * * *

[FR Doc. 83-6852 Filed 3-15-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13088; (812-5403)]

Bank of Boston Canada; Filing of an Application

March 10, 1983.

Notice is hereby given that Bank of Boston Canada ("Applicant"), Suite 300, 1550 Maisonneuve Blvd. West, Montreal, Quebec, Canada, filed an application on December 17, 1982, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the applicaton on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant is a wholly-owned subsidiary of The First National Bank of Boston ("FNBB"), a national banking association incorporated under the National Bank Act which in turn is a wholly-owned subsidiary, except for directors' qualifying shares, of First National Boston Corporation ("FNBC"), a Massachusetts corporation and a bank holding company registered under the Bank Holding Company Act of 1956. Applicant states that FNBB is and has been for many years the largest commercial bank in New England and, on June 30, 1982, ranked as the seventeenth largest commercial bank in the United States in terms of deposits. FNBC, according to Applicant, is the largest bank holding company in the Commonwealth of Massachusetts and on June 30, 1982, ranked as the eighteenth largest bank holding company in the United States in terms of assets. Applicant represents that it was incorporated as a bank under the provisions of the Canadian Banks and Banking Law Revision Act, 1980 ("Canadian Bank Act") and its charter was approved on May 27, 1982. For the year ended October 31, 1982, Applicant had consolidated assets of $34,537,000 (Canadian), deposits of $14,029,000 (Canadian) and stockholders' equity of $6,887,000 (Canadian).

Applicant represents that its principal business consists of receiving deposits and engaging in lending activities of the type normally undertaken by commercial banks. Applicant states that it provides a wide range of commercial banking services to its clients, including making loans to individuals and entities such as commercial, corporate, multinational, and energy enterprises, government units and other banks. Additionally, Applicant, through its wholly-owned factoring subsidiary, Boston Factors of Canada, Inc., engages in the business of factoring, as permitted under Canadian law. At October 31, 1982, loans of various types represented approximately 51% of Applicant's assets, and, as of the same date, income from such loans are stated to have represented 28% of Applicant's total gross revenues, gross income from interest on time deposits placed with other banks constituted approximately 13% of Applicant's total gross revenues and gross fee income from Applicant's factoring activities represented approximately 60% of Applicant's total gross revenues.

Applicant represents that it is subject to regulation pursuant to the Canadian Bank Act by the Canadian federal government, which exercises exclusive jurisdiction over the Canadian banking industry. In addition to general supervision and annual examination by the Inspector General of Banks to assure compliance with Canadian banking laws which, according to Applicant, imposes various restrictions and limitations on its activities, Applicant represents that it is required to file various weekly, monthly, quarterly, and annual reports with the Inspector General of Banks and/or the Bank of Canada. These reports include information pertaining to Applicant's deposits, directors, assets and liabilities, revenues, expenses and changes in capital and reserves, and interest rates on loans. Applicant also states that it is subject to established primary reserve requirements and must maintain secondary reseves in amounts prescribed by the Bank of Canada. As a national bank, FNBB is subject to regulation by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Board of Governors of the Federal Reserve System.

Applicant proposes to issue and sell promissory notes in the United States, which notes will be unconditionally guaranteed as to principal and interest by FNBB (the "Promissory Notes"), pursuant to Section 3(a)(2) of the Securities Act of 1933 ("1933 Act"), which specificially exempts from registration the sale of notes guaranteed by a bank. Other possible alternatives are the issuance and sale of debt securities to qualified investors in private placements pursuant to the exemption from registration provided by Section 4(2) of the 1933 Act ("Private Placement Notes"), the issuance of commercial paper pursuant to the exemption from registration provided by Section 3(a)(3) of the 1933 Act ("Commercial Paper Notes"), other offerings of debt securities that would be exempt from the registration requirements of the 1933 Act and registered public offerings of debt securities (collectively with the Promissory Notes, the Private Placement Notes and the Commercial Paper Notes, "Debt Securities"). Applicant states that Debt Securities issued pursuant to an offering in the United States will rank *pari passu* among themselves, equally with all other unsecured, unsubordinated indebtedness of Applicant, including Applicant's deposit liabilities, and ahead of its equity securities.

Regardless of the alternative or alternatives utilized, Applicant represents that it will appoint an agent for service of process in any suit, action or proceeding on the Promissory Notes and with respect to the offer and sale of any other Debt Securities it may offer in the United States in the future. Applicant further represents that it will expressly submit to the jurisdiction of any state or federal court located in the City of Boston, Massachusetts in any such suit, action or proceeding instituted by any holder of a Debt Security, except to the extent that it contests the manner of service on its agent. Applicant represents that it will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Debt Securities or otherwise and that the appointment of its agent to accept service of process and the consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Debt Securities have been paid or set aside.

The Applicant represents that any Commercial Paper Notes issued pursuant to Section 3(a)(3) of the 1933 Act will be prime quality and sold in minimum denominations of $100,000 to the types of institutional and other sophisticated investors who normally purchase commercial paper in the United States commercial paper market and Applicant undertakes to ensure that such Commercial Paper Notes will not be advertised or offered for sale to the general public. In addition, the Commercial Paper Notes will arise out of and/or generate funds for "current transactions", be of a type eligible for discounting by Federal Reserve Banks and have a maturity of nine months or less, exclusive of days of grace.

Applicant further represents that Commercial Paper Notes issued pursuant to Section 3(a)(3) of the Act will have received prior to issuance one of the three highest investment grades from at least one nationally recognized statistical rating organization and Applicant's General Counsel or Assistant General Counsel in the United States shall have certified that such rating has been received.

Applicant undertakes to ensure that each dealer in the Commercial Paper Notes (or Applicant itself or its affiliate if a dealer is not used) will provide to each offeree who has indicated an interest in such Commercial Paper Notes, prior to any purchase thereof, a memorandum describing the business of Applicant, FNBB and FNBC and containing the most recently published audited financial statements of FNBC and Applicant. Such memorandum will describe any material differences between Canadian accounting principles applicable to Applicant and generally accepted accounting principles employed by United States banks. Such memorandum will be at least as comprehensive as those customarily used in offering commercial paper in the United States and will be updated periodically to reflect material changes in FNBC's and Applicant's business or financial status. In the case of any other offerings of Debt Securities in the United States, such offerings will be made only pursuant to a registration statement under the 1933 Act or pursuant to an applicable exemption from registration under such Act, and any such offering will be made on the basis of disclosure documents appropriate and customary for such registered or exempted offering and in any event at least as comprehensive as those used in offerings of similar debt securities in the United States by United States issuers. Applicant undertakes to ensure that such disclosure documents will be provided to each offeree who has indicated an interest in such securities prior to any sale of such securities to such offeree, except that in the case of an offering made pursuant to a registration statement under the 1933 Act, such disclosure documents will be provided to such persons and in such manner as may be required by the 1933 Act and the pertinent rules and regulations thereunder. Applicant consents to having any order granting the relief requested under Section 6(c) expressly conditioned upon its compliance with the foregoing undertakings regarding disclosure documents.

Applicant represents that it will not issue and sell any Debt Securities pursuant to Section 3(a)(2), 3(a)(3) and/or 4(2) of the 1933 Act or pursuant to other available exemptions under the 1933 Act until it has received an opinion of its General Counsel or Assistant General Counsel in the United States to the effect that, under the circumstances of the proposed offering, the Debt Securities will be entitled to an exemption from registration provided by the appropriate section of the 1933 Act. The Applicant states that it will not request Commission review or approval of such counsel's opinion letter regarding the availability of an exemption under the 1933 Act, and the Commission expresses no opinion as to the availability of any such exemption.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that this type of exemption would serve the public interest by making available to institutional and other sophisticated investors in the United States the debt securities of foreign banks. Applicant contends that without exemptive orders, such investors would be unable to purchase debt securities issued by foreign banks such as Applicant which are representing an increasingly important segment of the short-term, prime quality securities available for purchase in the United States. Applicant submits that an exemption would be consistent with the protection of investors because of the existing regulatory structures to which Applicant, FNBB and FNBC are subject which afford protection to investors. In addition, Applicant asserts that the anti-fraud provisions of the federal securities laws would also be available for the protection of investors. Applicant contends that Congress specifically exempted United States banks from the Act and that the business of banking in Canada and the United States is similar.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 4, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6864 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13089; (811-3551)]

CCI Cash Trust; Filing of Application

March 10, 1983.

Notice is hereby given that CCI Cash Trust ("Applicant"), 8900 Keystone Crossing, Suite 685, Indianapolis, Indiana 46240, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on January 31, 1983, for an order of the Commission, pursuant to section 8(f) of the Act and Rule 8f-1 thereunder, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a business trust validly existing and in good standing under the laws of Indiana. Applicant states further that it registered under the Act on August 19, 1982, when its Notification of Registration on Form N-8A and Registration Statement of Form N-1 ("Registration Statement") were filed pursuant to the Act. Applicant states that its original filings were under the name "Compound Cash Trust." Applicant maintains that the primary reason that it determined to file the application and windup its business affairs is that, during the registration process under the Act, banks and other financial institutions were authorized to

offer deposit accounts which are competitive with money market mutual funds. Applicant's business objective was to sell its shares to customers of banks as part of "sweep" programs. Applicant further maintains that, as a result of Congressional and regulatory actions, it is now unlikely that any banks will offer new sweep programs and will instead offer their own deregulated deposit accounts. Applicant is not now engaged and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

Applicant represents that there have been two sales made of securities of which it is the issuer. Applicant represents further that the first sale took place on August 6, 1982, of 1,000 shares for $1,000 in cash in connection with Applicant's organization. Applicant states further that the second sale took place on December 6, 1982, of 99,000 shares for $99,000 in cash in connection with the filing of Amendent No. 1 to Applicant's Registration Statement. Applicant maintains that both sales were made pursuant to private offering exemptions under Federal and Indiana law. Applicant further maintains that no offers or sales pursuant to the prospectus contained in Applicant's Registration Statement have been made.

Applicant states that, at January 26, 1983, its assets were $100,650.25. Applicant states further that all of its assets are invested in a money market account at First National Bank of Columbus. Applicant states that it had one securityholder at the time of the filing of the application and that no distribution to Applicant's securityholder has been made to date in connection with the winding-up of Applicant's affairs.

Applicant states that the only debts or other liabilities that Applicant will be responsible for are the normal operating and deferred expenses that accrue until the time the assets are distributed to the sole shareholder. Applicant states that accrued expenses through January 26, 1983, were $106.60. Applicant's adviser, Compound Capital, Inc., has agreed to assume all debts and liabilities of Applicant, including non-accrued expenses incurred in registering under the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 4, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. after said date, an order disposing of the application will be issued unless the commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6863 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19585; (SR-NYSE-83-4)]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 10, 1983.

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, submitted on January 20, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to alter the qualification examination requirements for supervisory analysts. NYSE Rule 344, as amended, will require a supervisory analyst candidate to either: (1) Pass an Exchange Supervisory Analysts Examination or (2) successfully complete Level I of the Chartered Financial Analyst (CFA) Examination, (in lieu of the existing requirement of completion of Level I, II and III of the CFA Examination) and pass the part of the Exchange Supervisory Analysts Examination dealing with Exchange rules on research standards and related matters.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19454, January 27, 1983) and by publication in the **Federal Register** (48 FR 4944, February 3, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6862 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

National Advisory Council; Public Meeting

The Small Business Administration National Advisory Council, will hold a public meeting at 8:30 a.m. on Thursday, April 21, thru noon Friday, April 22, 1983, at the Shoreham Hotel, 2500 Calvert Street, NW., Washington, D.C. 20008, in the Forum Room, to discuss such matters as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Jean M. Nowak, Acting Director, Office of Advisory Councils, U.S. Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416 (202) 653-6892.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 9, 1983.

[FR Doc. 83-6830 Filed 3-15-83; 8:45 am]

BILLING CODE 8025-01-M

Region III—Advisory Council Meeting; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Philadelphia, Pennsylvania, will hold a public meeting at 9:00 a.m. on Friday, April 15, 1983, at the Historic Strasburg Inn, Route 896, Strasburg (Lancaster County) Pennsylvania, to discuss such matters as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call William T. Gennetti, District Director, U.S. Small Business Administration, One Bala Plaza, Suite 400-East Lobby, 231 St. Asaphs Road, Bala Cynwyd, Pennsylvania 19004 (215) 596-5801.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 9, 1983.

[FR Doc. 83-6829 Filed 3-15-83; 8:45 am]

BILLING CODE 8025-01-M

Region VIII—Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Denver, Colorado will hold a public meeting at 9:00 a.m., Wednesday, April 6, 1983, at the Quality Inn Motel, 2601 Zuni Street, Riviera Room, Denver, Colorado 80211, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Douglas F. Graves, District Director, U.S. Small Business Administration, 721 19th Street, Room 426a, Denver, Colorado 80202 (303) 837–3673.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 9, 1983.

[FR Doc. 83-6828 Filed 3-15-83; 8:45 am]

BILLING CODE 8025-01-M

Region IX—Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of San Francisco District Advisory Council, will hold a public meeting at 10:00 a.m., Friday, April 8, 1983, 211 Main Street—8th Floor—Conference Room 824 San Francisco, California 94105, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Lawrence J. Wodarski, Acting District Director, U.S. Small Business Administration, 211 Main Street—4th Floor, San Francisco, California 94105, (415) 974–0642.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 9, 1983.

FR Doc. 83-6827 Filed 3-15-83; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Portland, Oregon, will hold a public meeting at 10:00 AM on Tuesday, April 12, 1983, at the Federal Building, 1220 SW Third Avenue, Room 229, Portland, Oregon 97204, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Stewart L. Rollins, District Director, U.S. Small Business Administration, 1220 SW Third Avenue, Room 676, Portland, Oregon 97204 (503) 294–5221.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 9, 1983.

[FR Doc. 83-6828 Filed 3-15-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/610]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Working Group on Multilateral Investment Standards for MNES and U.N. Activities of the Advisory Committee International Investment, Technology, and Development on Wednesday, April 13, 1983, from 10:00 a.m. to 1:00 in Room 1040 Foreign Service Institute, 1400 Key Boulevard, Arlington, Va. 22209. The meeting will be open to the public.

The purpose of the meeting will be to discuss U.S. preparations for the UNCTAD VI meeting to be held in June in Belgrade, Yugoslavia and to review the results of the March 7–18 special session of the UN Commission on Transnational Corporations on the UN Code of Conduct on Transnational Corporations.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the Foreign Service Institute building.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: March 8, 1983.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 83-6820 Filed 3-15-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/609]

Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); will meet on April 7 and May 20, 1983. The meeting on April 7 will begin at 9:30 a.m., in IRAC Conference Room 1605; the meeting on May 20 will begin at 9:30 a.m., in Room B841. Both rooms are located in the Herbert C. Hoover Building, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of both meetings is to consider documents for the international meeting of Study Group 1 in October of this year.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20520; telephone (202) 632–0741.

Dated: March 9, 1983.

William Jahn,

Acting Director, Office of International Communications Policy.

[FR Doc. 83-6821 Filed 3-15-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/608]

Study Groups 10 and 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet jointly on April 4, 1983 in Room 330, 1200 19th Street, NW., Washington, D.C., at 9:30 a.m.

Study Group 10 deals with questions relating to sound broadcasting; Study

Group 11 deals with questions relating to television broadcasting. The purpose of the meeting is final preparation for the international meetings of Study Groups 10 and 11 in September 1983.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: February 25, 1983.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 83-6822 Filed 3-15-83; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

During the period March 4 through March 10, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545-0311.
Form Number: Letters 112C and 112SC.
Title: Requesting a Tax Return to Ensure Credit of Payment to Taxpayer Account.
OMB Number: 1545-0305.
Form Number: Letters 418C and 418SC.
Title: More Information Requested to Adjust Tax Return.
OMB Number: 1545-0318.
Form Number: Letter 227C.
Title: Request for Affidavit from T/P Who Explained Loss of Special Tax Stamp.
OMB Number: 1545-0499.
Form Number: 5305-SEP.
Title: Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement.
OMB Number: 1545-0506.
Form Number: 5245 and 5245A.
Title: Proposed Increase in Tax.
OMB Number: N/A (new submission).
Form Number: 5244A.
Title: Proposed Decrease in Tax.
OMB Number: 1545-0505.
Form Number: Letters 628 (SC/DO).
Title: Allowance Estate Tax Credit.
OMB Number: 1545-0349.
Form Number: 5070.
Title: Request for Information to Locate Employment Tax Return.
OMB Number: 1545-0122.
Form Number: 1118 and Schedule F.
Title: Computation of Foreign Tax Credit, Computation of Reduction of Oil and Gas Extraction Taxes.
OMB Number: 1545-0308.
Form Number: 1430C.
Title: Filing Status of 501(C)(3) Form 940 Filers.
OMB Number: 1545-0018.
Form Number: 706-B(1) and 706-B(2).
Title: Information Return by Trustee for Taxable Distribution or Termination from a Generation-Skipping Trust/ Beneficiary's Share of a Taxable Distribution from a Generation-Skipping Trust.

OMB Reviewer: Norman Frumkin (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Alcohol, Tobacco and Firearms

OMB Number: 1512-0120.
Form Number: ATF F 2177 (5110.58).
Title: Certificate of Age and Origin of Distilled Spirits.
OMB Number: 11512-0042.
Form Number: ATF F 7 (5310.12).
Title: Application for License.
OMB Number: 1512-0001.
Form Number: ATF F 1600.1.
Title: Requisition for Forms and Publications.
OMB Number: 1512-0003.
Form Number: ATF F 1600.8.
Title: Requisition for Firearms and Explosives Forms.

OMB Reviewer: Judy McIntosh (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

U.S. Customs Service

OMB Number: 1515-0013.
Form Number: CF 3171.
Title: Application-Permit-Special License-Unloading-Lading-Overtime Services.

OMB Reviewer: Judy McIntosh (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: March 11, 1983.

Floyd Sandlin,

Chief, Information Resources Management Division.

[FR Doc. 83-6846 Filed 3-15-83; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 52
Wednesday, March 16, 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).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 2 p.m., Friday March 18, 1983.

LOCATION: Room 456, Westwood Towers Building, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERRED: Gas Valves: Meeting with industry.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, MD 20207; 301–492–6600.

[S-367-83 Filed 3-14-83; 2:59 pm]

BILLING CODE 6355-01-M

2

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., March 23, 1983.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 7540–36: Modification of the United States Atlantic & Gulf/Southeastern Caribbean Conference to delete authority concerning inland charges and add authority concerning alternate ports service.
2. Agreement No. 93–28: Modification of the North Europe-United States Pacific Freight Conference Agreement to extend the joint service voting clause through December 31, 1983.

Portion closed to the public:

1. Docket No. 82–47: Agreement No. 10266 Between Intercontinental Transport, B.V., and Compagnie Generale Maritime—Further consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-366-83 Filed 3-14-83; 2:41 pm]

BILLING CODE 6730-01-M

3

FEDERAL RESERVE SYSTEM

Time and date: 10 a.m., Monday, March 21, 1983.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C.20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of check sorters within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 11, 1983.

James McAfee,

Associate Secretary of the Board.

[S-364-83 Filed 3-11-83; 4:13 pm]

BILLING CODE 6210-01-M

4

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

TIME AND DATE: 10 a.m., Friday, April 8, 1983.

PLACE: Board room, 712 Jackson Place, NW., Washington, D.C. 20006.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Call meeting to order. Check quorum.
2. Adoption of proposed agenda.
3. Approval of minutes of September 13, 1982 meeting.
4. Report of Chairman.
5. Report of President.
6. Report of Executive Secretary.
7. Report of General Counsel.
8. Discussion of Awards Ceremony.
9. New Business.
10. Set date for next meeting in September, 1983.

Portions closed to the public:

1. Selection of Truman Scholars for 1983–84.

CONTACT PERSON FOR MORE INFORMATION: Malcolm C. McCormack, Executive Secretary, telephone, 202–395–4831.

March 11, 1983.

Malcolm C. McCormack,

Executive Secretary.

S-365-83 Filed 3-14-83; 9:33 am]

BILLING CODE 9500-01-M

federal register

Wednesday
March 16, 1983

Part II

Department of Health and Human Services

Public Health Service

Indian Health; Persons to Whom Service Will Be Provided

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 36

Indian Health; Persons To Whom Service Will be Provided

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: This final rule will restrict the conditions under which IHS can provide services to non-Indians as beneficiaries to situations involving a pregnancy, acute infectious diseases or public health hazards. This will conform the regulations to Pub. L. 97–394.

EFFECTIVE DATE: December 30, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Richard J. McCloskey, Indian Health Service, Room 6A–14, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone 301–443–1116.

SUPPLEMENTARY INFORMATION: The fiscal year 1983 Appropriation Act for the Department of the Interior and Related Agencies, Pub. L. 97–394, which includes the appropriation for the Indian Health Service, was signed into law by the President on December 30, 1982. The law contains the following provision restricting eligibility of non-Indians for IHS services:

> Provided further, That notwithstanding current regulations, eligibility for Indian Health Services shall be extended to non-Indians in only two situations: (1) A non-Indian woman pregnant with an eligible Indian's child for the duration of her pregnancy through post-partum, and (2) non-Indian members of an eligible Indian's household if the medical officer in charge determines that this is necessary to control acute infectious disease or a public health hazard.

Current regulations at 42 CFR 36.12(a)(1) grant eligibility to the non-Indian wife of an eligible Indian on the basis that her health is integral to the health of the Indian family. In response to criticism that the regulation discriminates on the basis of sex, we published a notice of proposed rulemaking on December 16, 1980 (45 FR 82839) which proposed amending the regulation to extend eligibility to (1) The non-Indian spouse (husband or wife) of an eligible Indian, and (2) certain other non-Indian members of an Indian's immediate family considered eligible under current IHS policy and practice. In order to avoid discrimination based upon sex during the rulemaking proceedings, we announced in the preamble to the proposed rule that the IHS will serve the non-Indian husband of an eligible Indian residing with the Indian pending issuance of the final rule.

Enactment of the above provision by Congress supersedes the previous rulemaking proceeding. Consequently, we are issuing a final rule to conform regulations to the new law. Under the final rule issued here, non-Indians may be regarded as IHS beneficiaries only in the two exceptional situations stated in the new law.

The first exception is serving a non-Indian woman pregnant with an eligible Indian's child. IHS care would be limited to the period of the woman's pregnancy through postpartum (generally about six weeks after delivery). In cases where the woman is not married to the Indian under applicable state or tribal law, paternity must be acknowledged in writing by the Indian or determined by order of a court of competent jurisdiction.

The second exception is serving non-Indian members of an eligible Indian's household if the medical officer in charge determines that this is necessary to control acute infectious disease or a public health hazard. The determination will be a professional judgment based upon the particular circumstances.

We note that the first exception is not sex discrimination. The Supreme Court has ruled that an eligibility classification based upon pregnancy is not, in itself, sex discrimination. Rather, pregnancy is viewed as a physical condition which distinguishes two groups of persons—pregnant women and nonpregnant persons of both sexes. Based upon this reasoning the court has upheld the exclusion of pregnancy from coverage under disability benefit plans, where benefits were otherwise afforded on the same basis to both sexes. *Geduldig* v. *Aiello*, 417 U.S. 484 (1974); *General Electric Co.* v. *Gilbert*, 429 U.S. 125 (1976). In *Geduldig* the Court observed:

> Absent a showing that distinctions involving pregnancy are mere pretexts designed to effect an invidious discrimination against the members of one sex or the other, lawmakers are constitutionally free to include or exclude pregnancy from coverage of legislation such as this on any reasonable basis, just as with respect to any other physical condition. 417 U.S. at 496–7, n. 20.

Care of the non-Indian mother during pregnancy has a direct effect on the health of her Indian child which is unique and immediate due to her condition. As such, pregnancy may be rationally singled out from otherwise serving non-Indians.

This final rule makes no substantive change with respect to the eligibility of *Indians* for IHS services. It also does not preclude treatment of non-beneficiaries on a fee basis where otherwise authorized by law. Examples are treatment of non-beneficiaries in cases of emergency authorized by section 322(b) of the Public Health Service Act, 42 U.S.C. 249(b), and regulations at 42 CFR 36.14; treatment of non-indigent non-beneficiaries in Alaska under 48 U.S.C. 49; and treatment of beneficiaries of other Federal programs under Economy Act arrangements, 31 U.S.C. 686(a).

Publication of a Final Rule

Rulemaking procedures under the Administrative Procedure Act (5 U.S.C. 553) generally involve publication of a notice of proposed rulemaking, affording interested persons the opportunity to comment, and publication of the final rule after consideration of the comments received. However, the statute allows the agency to dispense with notice and comment procedures:

> (B) When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

In this case notice and comment procedures are unnecessary because, as explained above, this rule is issued to conform regulations to congressional action.

We also note that the APA requires publication of a substantive rule not less than 30 days before its effective date (5 U.S.C. 553(d)) except—

> (3) As otherwise provided by the agency for good cause found and published with the rule.

Because this rule is issued to conform regulations to congressional action, we think there is good cause for making the rule effective on the date that Pub. L. 97-394 was signed into law, namely December 30, 1982.

Determination Concerning Impact of the Rule

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation will not have a significant economic impact on a substantial number of small entities because it concerns the eligibility of a small group of beneficiaries for care delivered primarily at IHS facilities. The Secretary has also determined, in accordance with Executive Order 12291, that this rule does not constitute a "major rule" because it will not have an annual effect on the economy of $100 million or more, result in a major increase in costs or prices for consumers, any industries, any

governmental agencies or geographic regions, or have significant and adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 42 CFR Part 36

Alaska Natives, American Indians, Eskimos, Health Care, Indians.

Dated: February 3, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: March 2, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary.

PART 36—[AMENDED]

Title 42, Part 36, § 36.12(a)(1) is revised to read as follows:

§ 36.12 Persons to whom services will be provided.

(a) *In general.* (1) Services will be made available, as medically indicated, to persons of Indian descent belonging to the Indian community served by the local facilities and program. Services will also be made available, as medically indicated, to a non-Indian woman pregnant with an eligible Indian's child but only during the period of her pregnancy through postpartum (generally about 6 weeks after delivery). In cases where the woman is not married to the eligible Indian under applicable state or tribal law, paternity must be acknowledged in writing by the Indian or determined by order of a court of competent jurisdiction. The Service will also provide medically indicated services to non-Indian members of an eligible Indian's household if the medical officer in charge determines that this is necessary to control acute infectious disease or a public health hazard.

* * * * *

[FR Doc. 83-6802 Filed 3-15-83; 8:45 am]
BILLING CODE 4160-16-M

federal register

Wednesday
March 16, 1983

Part III

Department of the Interior

Minerals Management Service

Gulf of Alaska/Cook Inlet Leasing Offering; Call for Information

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE
Gulf of Alaska/Cook Inlet
Lease Offering (October 1984)
Call for Information

Purpose of Call

The purpose of the Call is to assist the Secretary of the Interior in carrying out his responsibilities under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and regulations appearing at 30 CFR 256.23. Potential bidders are requested to outline areas where they believe hydrocarbons may occur or where they have an interest in leasing in the Gulf of Alaska and Cook Inlet. The Secretary is also requesting comments from all interested parties--Federal, State, and local governments, environmental groups, the general public, and potential bidders--on possible environmental effects and use conflicts in the Call area, and on the appropriateness of initial lease terms longer than 5 years and lease areas larger than 5,760 acres (2,331 hectares).

Use of Information from Call

Information submitted in response to this Call will be considered in the area identification which selects the areas of hydrocarbon potential to be proposed for leasing and analyzed in the environmental impact statement as the proposed Federal action. This information will also be used in identifying alternatives to the proposed action. Comments received on possible environmental effects and use conflicts may be used in the analysis of local environmental conditions within the Call area so that the potential effects of oil and gas exploration and development, other than the benefits accruing to the Nation as a result of inventorying and producing oil and gas, can be assessed. These comments may also be useful in developing special lease terms and conditions designed to assure safe offshore operations. Comments submitted regarding length of lease term and size of lease areas may be used in the assessment of the appropriate initial lease term and appropriate lease size, pursuant to section 8 of the OCS Lands Act, as amended (43 U.S.C. 1337).

Description of Area

The general location is offshore the State of Alaska in the Gulf of Alaska and Cook Inlet. The Gulf of Alaska area of this Call is bounded on the east and north by the Federal/State three geographic mile line and by 133° 30' W. longitude from the International boundary to the Kennedy Entrance of Cook Inlet. It is bounded approximately on the west by a line originating at 151° 45' W. longitude, proceeding along 59° N. latitude east to 148° W. longitude, thence south to 58° N. latitude, thence east along 58° N. latitude to 147° W. longitude, thence south to 53° N. latitude, thence east to 141° W. longitude, thence east along the U.S./Canada jurisdiction line to approximately 133° 30' W. longitude.

The Cook Inlet area of this Call is generally bounded by the Federal/State three geographic mile line on the west; by the three geographic mile line off Kalgin Island on the north; by the Barren Islands at the Kennedy and Stevenson Entrances to Cook Inlet on the east; and on the south in the Shelikof Strait by approximately 57° N. latitude.

Indications of interest and comments may be considered for all Federal acreage within the boundaries of the Call. Boundaries of the Call area are represented on Maps A, B, and C appearing at the end of this Call. Boundaries of the Call area are depicted in detail on the standard Call for Information Maps, available free from the Regional Manager, Alaska OCS Region, P.O. Box 1159, 620 East 10th Ave., Anchorage, Alaska 99510.

The following list identifies the Official Protraction Diagrams in this Call. All Federal blocks are included in the Call area, unless otherwise specified. The Diagrams may be purchased for $2.00 each from the Regional Manager, Alaska OCS Region.

NN 6-2,	-	(Approved March 17, 1982)
NN 6-4,	-	(Approved January 12, 1983)
NN 6-6,	-	(Approved January 12, 1983)
NN 7-1,	-	(Approved March 17, 1982)
NN 7-2,	-	(Approved March 17, 1982)
NN 7-3,	-	(Approved January 12, 1983)
NN 7-4,	-	(Approved January 12, 1983)
NN 7-5,	-	(Approved January 12, 1983)
NN 7-6,	-	(Approved January 12, 1983)
NN 8-1,	Baker Fan	(Approved February 3, 1977)
NN 8-2,	Craig	(Approved January 12, 1983): All Federal blocks except: 13-15, 57, 524, 567, 568, 611, 612, 655, 656, 857-859, 901-903, 945-947, and 990-991.
NN 8-3,	-	(Approved December 1, 1977; Revised January 28, 1983)
NN 8-4,	Dixon Entrance	(Approved February 8, 1983): All Federal blocks except: 21-24, 65-68, 109-113, 153-158, 197-202, 242-248, 285-292, 297-300, 329-337, 341-349, 373-393, 417-437, 461-481, 505-525, 549-551, 556-569, 593, 603-613, and 656-657.
NN 8-5,	-	(Approved January 12, 1983)
NO 5-2,	Seldovia	(Approved March 20, 1975)
NO 6-1,	Blying Sound	(Approved July 21, 1975)
NO 6-2,	Middleton Island	(Approved October 31, 1974)
NO 6-3,	-	(Approved August 1, 1975): Only Federal blocks 33-44, 77-88, 121-132, 165-176, 209-220, 253-264, 297-308, 341-352, 385-396, 429-440, 473-484, 517-528, 561-572, 605-616, 649-660, 693-704, 737-748, 781-792, 825-836, 869-880, 913-924, 957-968, and 1001-1012.

NO 6-4,	-	(Approved September 22, 1975)
NO 6-6,	-	(Approved October 27, 1976)
NO 6-8,	-	(Approved March 20, 1975)
NO 7-1,	Icy Bay	(Approved 1974)
NO 7-2,	Yakutat	(Approved October 31, 1974)
NO 7-3,	-	(Approved August 1, 1975)
NO 7-4,	-	(Approved September 22, 1975)
NO 7-5,	-	(Approved June 11, 1975)
NO 7-6,	-	(Approved October 27, 1976)
NO 7-7,	Pratt Seamount	(Approved February 18, 1977)
NO 7-8,	-	(Approved February 18, 1977)
NO 8-3,	Mt. Fairweather	(Approved December 13, 1976): All Federal blocks except: 734-736, 779-781, 825, 872, 873, and 917.
NO 8-5,	Sitka	(Approved December 13, 1976)
NO 8-7,	Goddard	(Approved January 12, 1983)
NO 8-8,	Port Alexander	(Approved January 12, 1983): All Federal blocks except: 7-10, 49-52, 93-95, 137-139, 182, 183, 226, 227, 270, 271, 314-316, 358-360, 402-404, 446-448, 490-493, 534-537, 578-581, 594, 595, 622-625, 666-668, 710-713, 754-757, 798-801, 808, 809, 842-845, 852-853, 886-889, 896, 939, 940, and 982-984.
NP 6-8,	Cordova	(Approved October 31, 1974)
NP 5-8,	Kenai	(Approved March 20, 1975)
NO 5-1,	Iliamna	(Approved March 20, 1975)
NO 5-3,	Mt. Katmai	(Approved July 3, 1975)
NO 5-5,	Karluk	(Approved July 3, 1975): All Federal blocks except: 967, 968, 1011, and 1012.
NO 4-6,	Ugashik	(Approved June 3, 1976): Only Federal blocks: 609-610, 652-654, 695-698, 739-742, 783-786, 828-830, 870-874, 915-918, 958-962, and 1002-1007.
NO 5-4,	Afognak	(Approved July 3, 1975): Only Federal blocks: 1-7, 45-51, 89-95, 133-139, 177-183, 221-227, 265-270, 309-313, 353-356, 397-399, 441-443, 485, 486, 529, and 573.

Instructions on Call

Indications of interest from potential bidders should be limited to the Federal acreage included in the Call area described above. Respondents should indicate interest in those portions of the Call area which they have identified as having potential for the discovery of oil and gas. Those indicating interest are requested to do so on standard Call for Information Maps, available free from the Regional Manager, Alaska OCS Region, at the address stated in the second paragraph under "Description of Area," telephone (907) 276-2955.

These three standard Call Maps show the Call area, which coincides with the area identified by the Minerals Management Service (MMS) as having potential for the discovery of oil and gas. Each of these standard Call Maps covers a portion of the Call area corresponding to each of the three maps appearing at the end of this notice. Although individual indications of interest are considered to be privileged and confidential information, the names of persons or entities indicating interest or submitting comments will be of public record.

Respondents are encouraged to broadly rank areas according to priority of interest (e.g., priority 1 (high), 2, or 3). Priority information submitted by companies will be held confidential and may be used as a criterion in determining the area to be analyzed in the environmental impact statement.

In addition to indications of interest, we are seeking comments from all interested parties about particular geological, environmental, biological, archaeological, or socioeconomic conditions or problems, or other information which might bear upon potential leasing and development of particular areas. Comments should preferably address broad areas but may be restricted to designated blocks of particular concern.

Comments are also being sought from all interested parties on the appropriateness of initial lease periods longer than 5 years and on the need, if any, for lease areas larger than 5,760 acres (2,331 hectares). Such comments should describe why such modifications would be appropriate and identify where such modifications should be applied. Those making comments are requested to mark the area commented upon on the standard Call for Information Maps discussed above.

Indications of interest and comments must be submitted no later than 30 days following publication of this document in the Federal Register, in envelopes labeled "Indications of Interest for Leasing in the Outer Continental Shelf, Gulf of Alaska/Cook Inlet," or "Comments on Leasing in the Outer Continental Shelf, Gulf of Alaska/Cook Inlet," as appropriate. Maps (originals) and comments must be submitted to the Regional Manager, Alaska OCS Region, at the address stated in the second paragraph under "Description of Area." Copies of all maps and comments are also to be sent to the Chief, Offshore Resource Evaluation Division, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 643, Reston, Virginia 22091.

Final delineation of the area for competitive bidding will be made only at a later date after compliance with established departmental procedures, all requirements of the National Environmental Policy Act of 1969, and the OCS Lands Act, as amended. A final Notice of Sale, detailing areas to be offered for competitive bidding, will be published in the Federal Register stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

Director, Minerals Management Service
Harold Doley

Date: 3/8/83

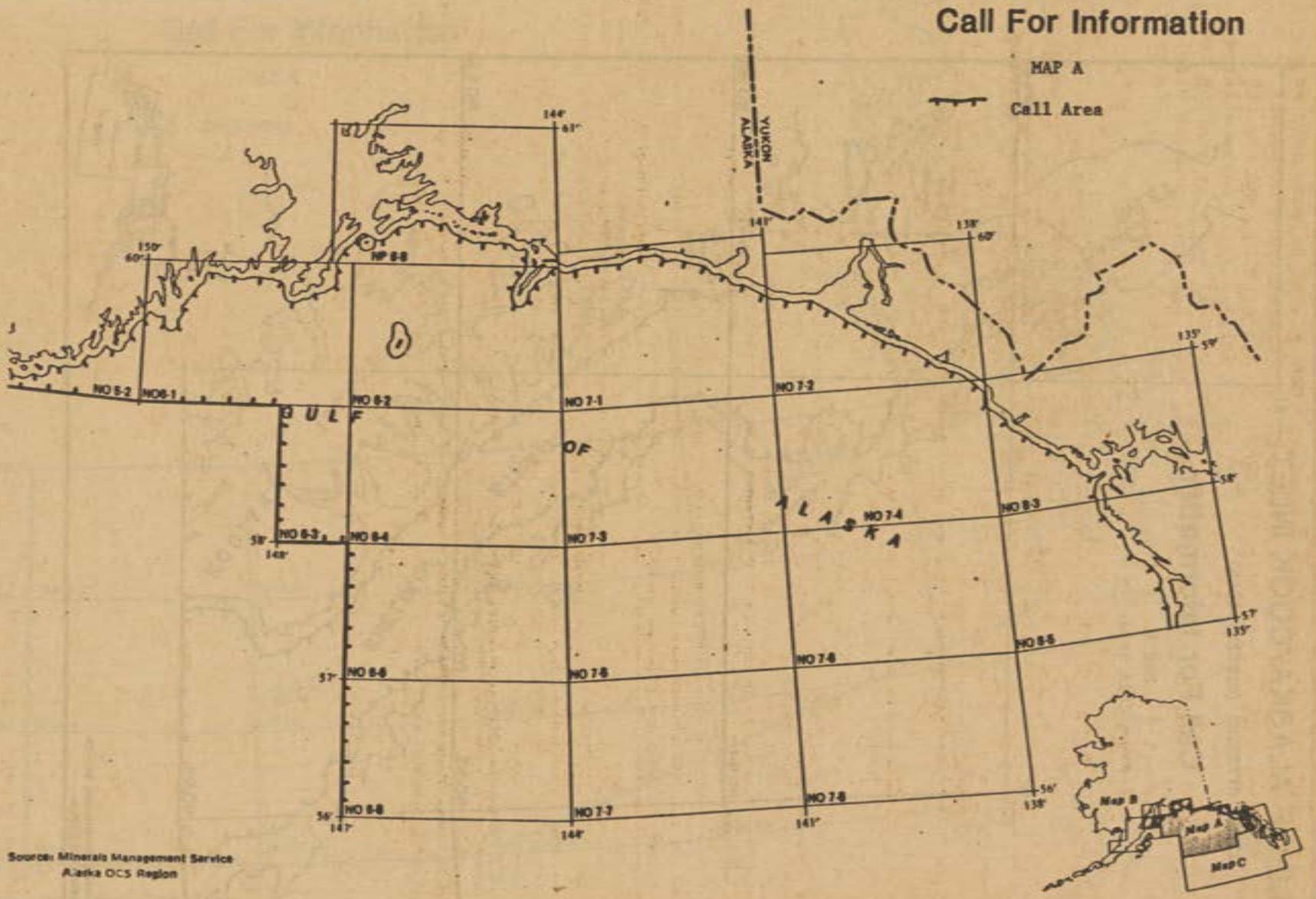
Approved

Assistant Secretary of the Interior
Daniel N. Miller Jr.

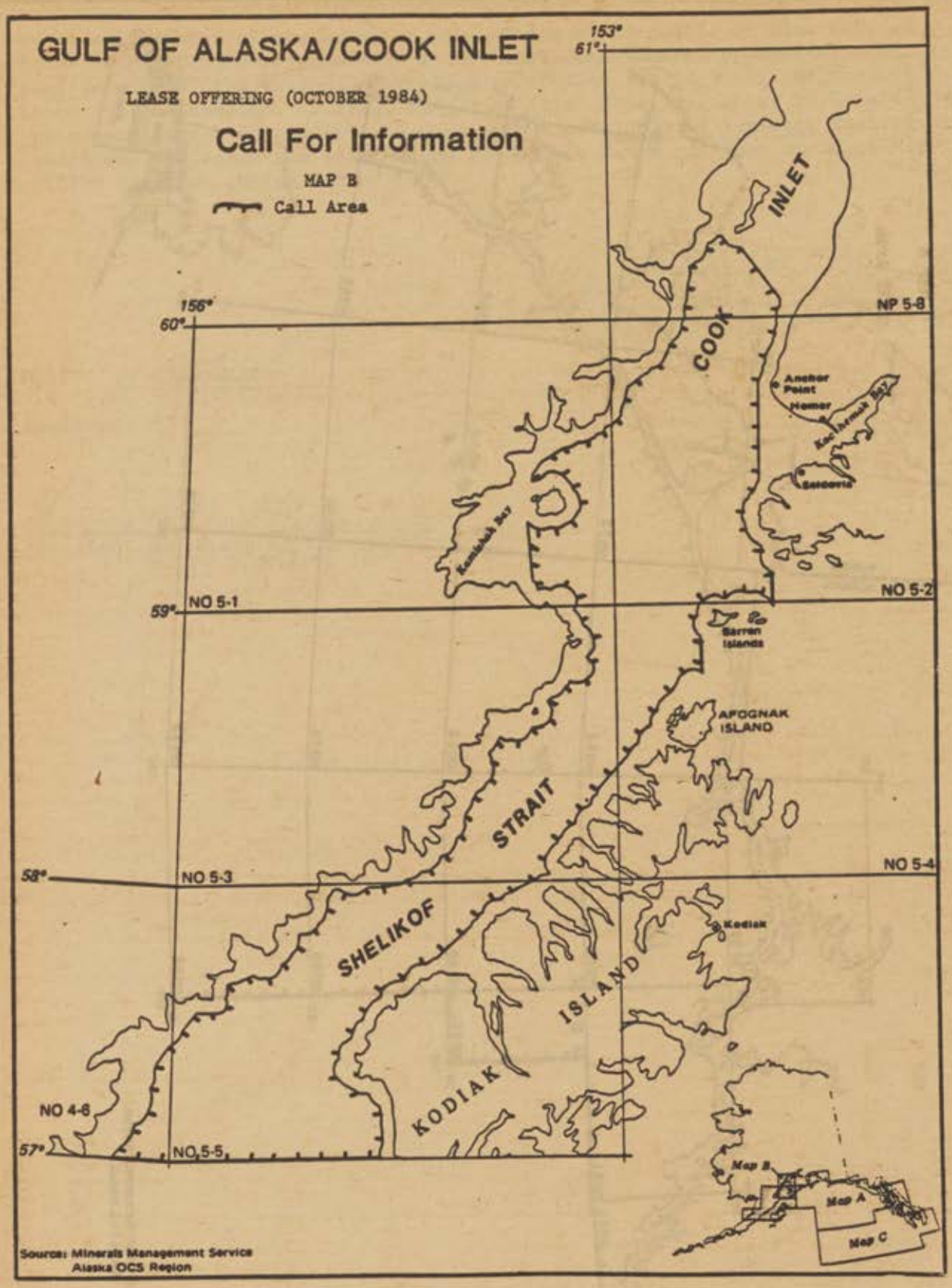
GULF OF ALASKA/COOK INLET

LEASE OFFERING (OCTOBER 1984)

Call For Information



Source: Minerals Management Service
Alaska OCS Region


GULF OF ALASKA/COOK INLET
LEASE OFFERING (OCTOBER 1984)
Call For Information
MAP B
Call Area
153°
61°
156°
60°
59°
58°
57°
COOK INLET
NP 5-8
NO 5-1
NO 5-2
NO 5-3
NO 5-4
NO 4-6
NO 5-5
Anchor Point
Homer
Seldovia
Kamishak Bay
Barren Islands
AFOGNAK ISLAND
SHELIKOF STRAIT
KODIAK ISLAND
Kodiak
Map B
Map A
Map C
Source: Minerals Management Service
Alaska OCS Region

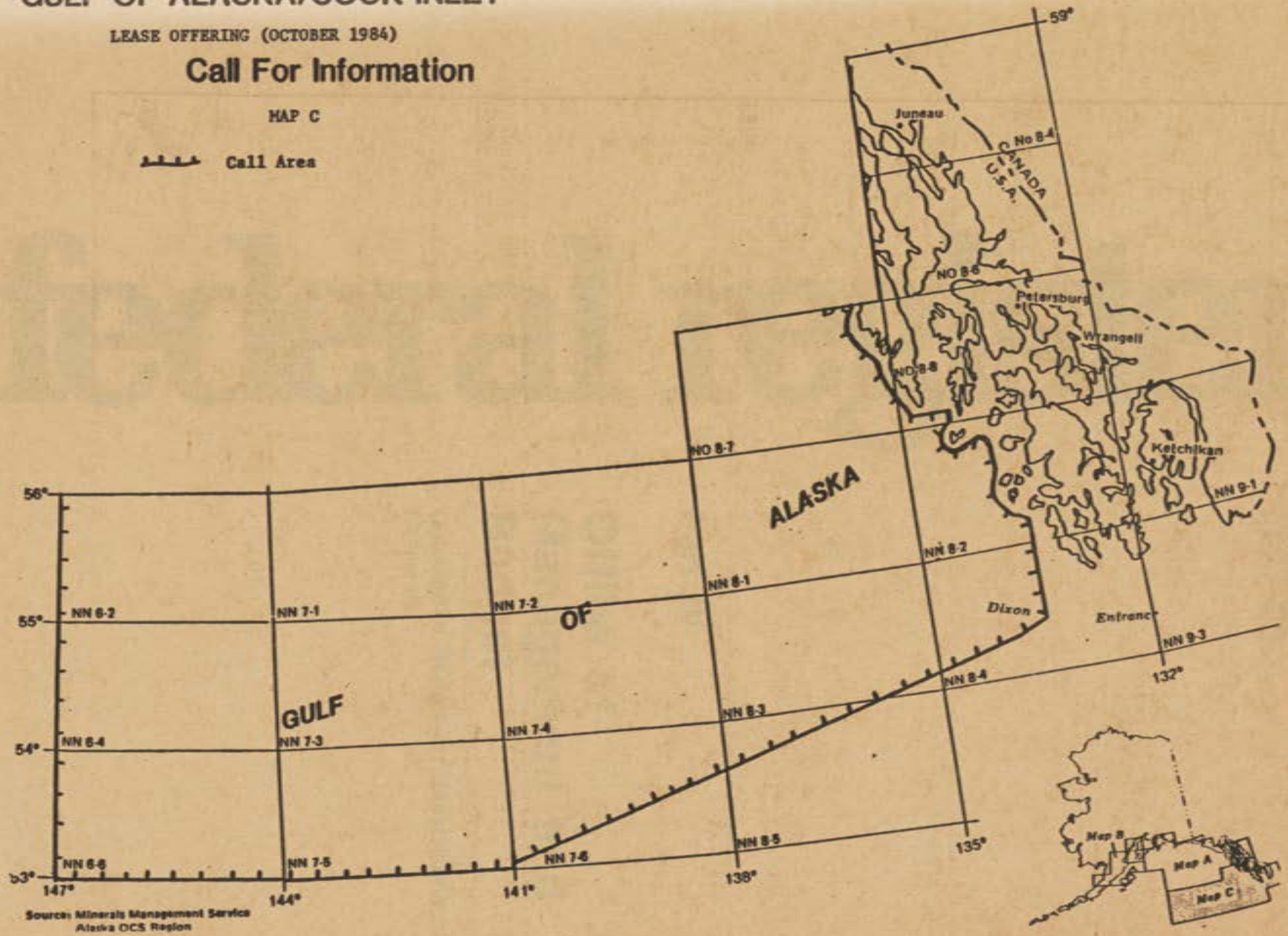
GULF OF ALASKA/COOK INLET

LEASE OFFERING (OCTOBER 1984)

Call For Information

MAP C

Call Area



Source: Minerals Management Service
Alaska OCS Region

[FR Doc. 83-6796 Filed 3-15-83; 8:45 am]
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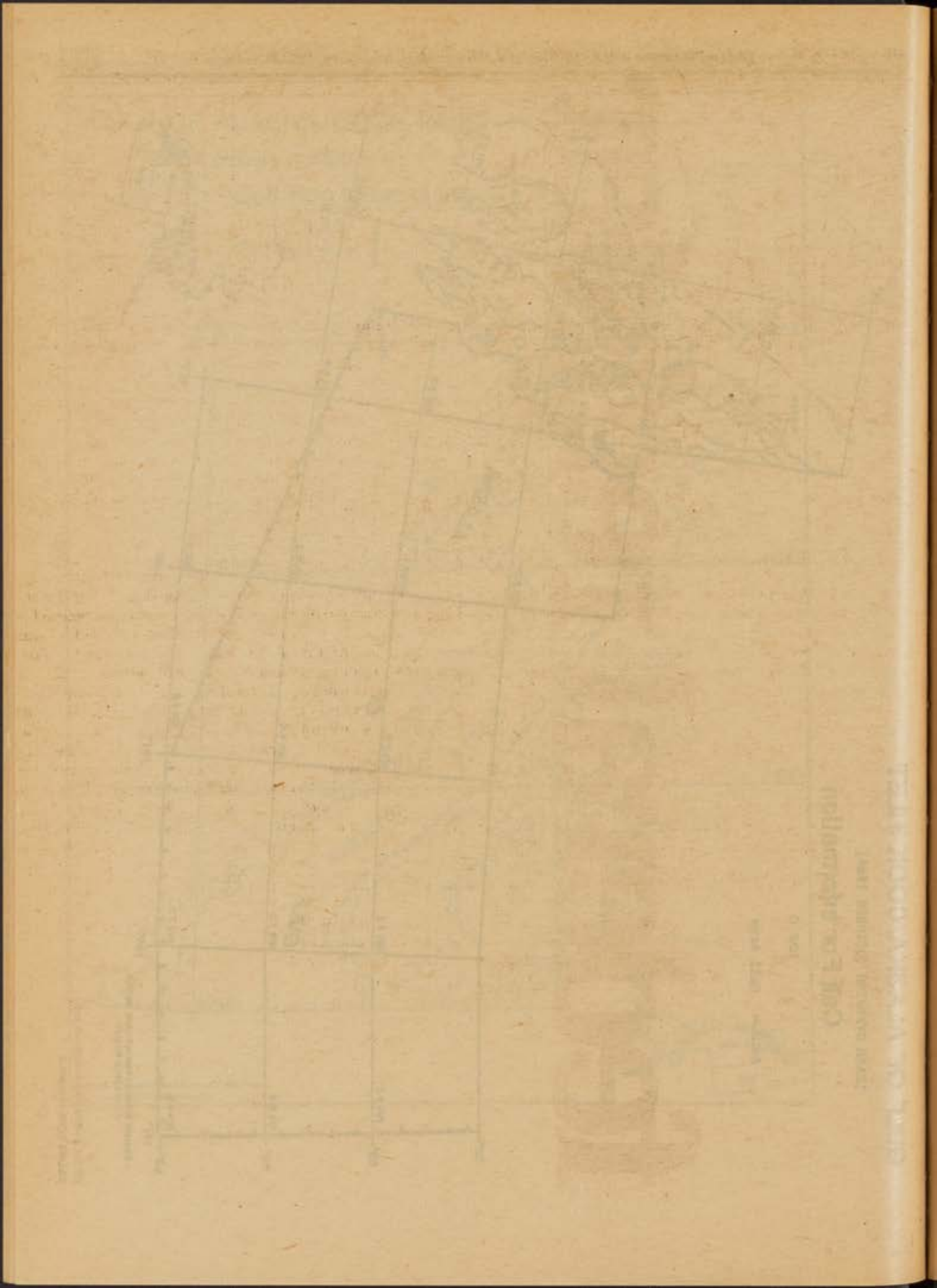

federal register

Wednesday
March 16, 1983

Part IV

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

March 1, 1983.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of February 1, 1983 of 20 rescission proposals and 69 deferrals contained in the first five special messages of FY 1983. These messages were transmitted to the Congress on October 1, and December 7, and 16, 1982, and January 5, and February 1, 1983.

Rescissions (Table A and Attachment A)

Twenty rescission proposals totaling $1,554 million are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of March 1, 1983, while Attachment A shows the history and status of each rescission proposed during FY 1983.

Deferrals (Table B and Attachment B)

As of March 1, 1983, $9,489.5 million in 1983 budget authority was being deferred from obligation and another $4.9 million in 1983 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1983.

Information From Special Messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Registers** listed below:

Vol. 47, No. 194, FR p. 44524, Thursday, October 7, 1982
Vol. 47, No. 238, FR p. 55602, Friday, December 10, 1982
Vol. 47, No. 246, FR p. 57230, Wednesday, December 22, 1982
Vol. 48, No. 7, FR p. 1266, Tuesday, January 11, 1983
Vol. 48, No. 25, FR p. 5474, Friday, February 4, 1983

David A. Stockman,

Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1983 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$1,554.0
Accepted by the Congress	-0-
Rejected by the Congress	-0-
Pending before the Congress	$1,554.0

TABLE B

STATUS OF 1983 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$13,365.2
Routine Executive releases (-$4436.8 million) and adjustments ($566.0 million) through March 1, 1983	-3,870.8
Overturned by the Congress	-0-
Currently before the Congress	$ 9,494.4 a

a. This amount includes $4.9 million in outlays for a Department of the Treasury deferral (D83-16A).

Attachments

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1983 AS OF 03/03/83 10:06

AS OF MARCH 1, 1983 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Development Programs							
Appalachian Regional Development programs BA	R83- 2		15,133	2 1 83			
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA			15,133				
DEPARTMENT OF AGRICULTURE							
Agricultural Research Service							
Buildings and facilities BA	R83- 3		1,927	2 1 83			
Soil Conservation Service							
Watershed and flood prevention operations BA	R83- 4		68,995	2 1 83			
Resource conservation and development BA	R83- 5		5,600	2 1 83			
Agricultural Cooperative Service							
Salaries and expenses BA	R83- 6		779	2 1 83			
DEPARTMENT OF AGRICULTURE TOTAL BA			77,301				
DEPARTMENT OF COMMERCE							
National Oceanic and Atmospheric Administration							
Construction BA	R83- 1		2,000	12 16 82			
DEPARTMENT OF COMMERCE TOTAL BA			2,000				
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Compensatory education for the disadvantaged BA	R83- 7		133,925	2 1 83			
School assistance in federally effected areas BA	R83- 8		5,000	2 1 83			
Special programs and populations BA	R83- 9		56,639	2 1 83			
Indian education BA	R83- 10		16,128	2 1 83			
Off. of Bilingual Educ. & Minority Lang. Affairs							
Bilingual eduation BA	R83- 11		43,523	2 1 83			
Office of Postsecondary Education							
Guaranteed student loans BA	R83- 12		900,000	2 1 83			
Higher and continuing education BA	R83- 13		68,941	2 1 83			

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1983 AS OF 03/03/83 10:06

AS OF MARCH 1, 1983 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Office of Educational Research and Improvement							
Educational research and statistics							
BA	R83- 14		6,225	2 1 83			
DEPARTMENT OF EDUCATION TOTAL BA			1,230,381				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing Programs							
Payments for oper. of low income housing proj.							
BA	R83- 15		69,000	2 1 83			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA			69,000				
DEPARTMENT OF THE INTERIOR							
National Park Service							
Construction							
BA	R83- 16		63,600	2 1 83			
DEPARTMENT OF THE INTERIOR TOTAL BA			63,600				
DEPARTMENT OF TRANSPORTATION							
Federal Highway Administration							
Federal-aid highways (trust fund)							
BA	R83- 17		23,200	2 1 83			
Coast Guard							
Nat l recreat. boat. safety & facil. improv.							
BA	R83- 18		5,000	2 1 83			
DEPARTMENT OF TRANSPORTATION TOTAL BA			28,200				
OTHER INDEPENDENT AGENCIES							
Corporation for Public Broadcasting							
Public broadcasting fund							
BA	R83- 19		45,000a	2 1 83			
OTHER INDEPENDENT AGENCIES TOTAL BA			45,000				
OFF-BUDGET FEDERAL ENTITIES							
Department of Agriculture							
Rural telephone bank							
BA	R83- 20		23,400	2 1 83			
OFF-BUDGET FEDERAL ENTITIES TOTAL BA			23,400				
TOTAL BA			1,554,015				

a. This is a rescission of FY 1985 funds.

END OF REPORT

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 03/03/83 12:10

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-83
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs								
BA	D83- 40	10,000		2 1 83				10,000
International Security Assistance								
Foreign military sales credit								
BA	D83- 21	165,000		12 7 82				
BA	D83- 21A		1,010,000	2 1 83				1,175,000
Economic support fund								
BA	D83- 22	554,720		12 7 82				
BA	D83- 22A		1,347,130	2 1 83	-608,150		551,150	1,844,850
Military assistance								
BA	D83- 29	11,650		12 7 82				
BA	D83- 29A		221,350	2 1 83	-11,650		11,650	233,000
International Development Assistance								
Functional development assistance program								
BA	D83- 1	8,129		10 1 82	-8,129			
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		749,499	2,578,480		-627,929		562,800	3,262,850
DEPARTMENT OF AGRICULTURE								
Agricultural Stabilization & Conservation Service								
Dairy and beekeeper indemnity programs								
BA	D83- 36	7,000		1 5 83				7,000
Soil Conservation Sevice								
Watershed and flood prevention operations								
BA	D83- 41	10,329		2 1 83				10,329
Animal and Plant Health Inspection Service								
Salaries and expenses								
BA	D83- 34	2,134		12 16 82				
BA	D83- 34A		4,066	2 1 83				6,200
Forest Service								
National forest system								
BA	D83- 42	108,035		2 1 83				108,035
Timber salvage sales								
BA	D83- 2	10,002		10 1 82				
BA	D83- 2A		3,105	2 1 83				13,107
Expenses, brush disposal								
BA	D83- 3	44,575		10 1 82	-10,042			34,533
DEPARTMENT OF AGRICULTURE TOTAL BA		182,075	7,171		-10,042			179,204
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Economic development assistance programs								
BA	D83- 43	181,900		2 1 83				181,900
Economic development revolving fund								
BA	D83- 37	25,350		1 5 83	-25,350			
International Trade Administration								
Operations and administration								
BA	D83- 44	20,100		2 1 83				20,100
Participation in U.S. expositions								
BA	D83- 4	3,356		10 1 82	-571			2,785
National Oceanic and Atmospheric Administration								
Construction								
BA	D83- 45	3,000		2 1 83				3,000
Promote and develop fishery products and research								
BA	D83- 5	30,619		10 1 82	-30,619			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 03/03/83 12:10

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-83
National Bureau of Standards								
Scientific & technical research & services								
BA	D83- 38	6,500		1 5 83				6,500
DEPARTMENT OF COMMERCE TOTAL BA		270,825			-56,540			214,285
DEPARTMENT OF DEFENSE-MILITARY								
Procurement								
Shipbuilding and conversion, Navy								
BA	D83- 46	2,400,000		2 1 83	-2,400,000			
Military Construction								
Military construction, all services								
BA	D83- 6	64,063		10 1 82				
BA	D83- 6A		1,166,415	12 7 82	-784,178			446,300
Family Housing, Defense								
Family housing, Defense								
BA	D83- 23	161,640		12 7 82				161,640
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA		2,625,703	1,166,415		-3,184,178			607,940
DEPARTMENT OF DEFENSE-CIVIL								
Corps of Engineers								
Construction, general								
BA	D83- 47	180,000		2 1 83				180,000
Wildlife Conservation, Military Reservations								
Wildlife conservation								
BA	D83- 7	1,061		10 1 82	-6		-50a	1,005
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA		181,061			-6		-50	181,005
DEPARTMENT OF ENERGY								
Energy Programs								
Energy supply R&D-plant and capital equip.								
BA	D83- 48	91,107		2 1 83				91,107
Fossil energy research and development								
BA	D83- 8	20,136		10 1 82				
BA	D83- 8A			b 2 1 83	-15,136			5,000
Fossil energy construction								
BA	D83- 49	20,000		2 1 83				20,000
Energy conservation								
BA	D83- 24	22,803		12 7 82	-22,803			
Strategic Petroleum Reserve								
BA	D83- 50	57,400		2 1 83				57,400
Departmental Administration								
Depart. admin., operating expenses								
BA	D83- 51	21,767		2 1 83				21,767
Depart. admin., plant & capital equipment								
BA	D83- 52	12,693		2 1 83				12,693
DEPARTMENT OF ENERGY TOTAL BA		245,906			-37,939			207,967

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 03/03/83 12:10

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-83
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Alcohol, Drug Abuse & Mental Health Administration								
Construction & renovation, St. Elizabeths Hospital								
BA	D83- 9	9,714		10 1 82				9,714
Office of Assistant Secretary for Health								
Special foreign currency program								
BA	D83- 10	6,420		10 1 82				6,420
Social Security Administration								
Limitation on administrative expenses								
BA	D83- 53	9,633		2 1 83				9,633
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		25,767						25,767
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs								
BA	D83- 54	3,081,153		2 1 83				3,081,153
Payments for operation of low income housing								
BA	D83- 30	150,000		12 7 82	-150,000			
Community Planning and Development								
Community development grants								
BA	D83- 31	221,000		12 7 82	-221,000			
Urban development action grants								
BA	D83- 32	234,000		12 7 82				
BA	D83- 32A		10,000	1 5 83				244,000
Urban homesteading								
BA	D83- 33	8,000		12 7 82	-8,000			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		3,694,153	10,000		-379,000			3,325,153
DEPARTMENT OF THE INTERIOR								
Office of Water Research & Technology								
Salaries and expenses								
BA	D83- 25	2,545		12 7 82	-2,545			
National Park Service								
Land acquisition and state assistance								
BA	D83- 11	30,000		10 1 82				
BA	D83- 11A		3,000	2 1 83				33,000
Minerals Management Service								
Payments from proceeds, sale of water								
BA	D83- 39	48		1 5 83				48
Office of Territorial Affairs								
Administration of territories								
BA	D83- 55	3,188		2 1 83				3,188
DEPARTMENT OF THE INTERIOR TOTAL BA		35,781	3,000		-2,545			36,236
DEPARTMENT OF JUSTICE								
Interagency Law Enforcement								
Organized crime drug enforcement								
BA	D83- 56	13,656		2 1 83				13,656
Federal Prison System								
Buildings and facilities								
BA	D83- 35	16,330		12 16 82				16,330
DEPARTMENT OF JUSTICE TOTAL BA		29,986						29,986
DEPARTMENT OF STATE								
International Organizations and Conferences								
Contributions to international organizations								
BA	D83- 57	8,111		2 1 83				8,111

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 03/03/83 12:10

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-83
Other								
Emergency refugee and migration assistance fund								
BA	D83- 12	37,692		10 1 82			-1,844a	35,848
U.S. bilateral science and technology agreements								
BA	D83- 58	2,000		2 1 83				2,000
DEPARTMENT OF STATE								
TOTAL BA		47,803					-1,844	45,959
DEPARTMENT OF TRANSPORTATION								
Urban Mass Transportation Administration								
Urban mass capital fund								
BA	D83- 59	229,000		2 1 83				229,000
Federal Aviation Administration								
Construction, Metropolitan Washington Airports								
BA	D83- 59	500		2 1 83				500
Civil supersonic aircraft development termination								
BA	D83- 13	46		10 1 82				46
Facilities & equip. (Airport & airway trust fund)								
BA	D83- 14	158,485		10 1 82				
BA	D83- 14A		566,751	2 1 83				725,236
Coast Guard								
Natl recreat. boat. safety & facil. improv.								
BA	D83- 61	40,000		2 1 83				40,000
DEPARTMENT OF TRANSPORTATION								
TOTAL BA		428,031	566,751					994,782
DEPARTMENT OF THE TREASURY								
Office of Revenue Sharing								
State and local government fiscal assistance fund								
BA	D83- 15	106,474		10 1 82				
BA	D83- 15A		305	12 7 82	-1,820		273	105,232
O	D83- 16	7,909		10 1 82				
O	D83- 16A		6,537	12 7 82	-14,415		4,847	4,878
Federal Law Enforcement Training Center								
Construction								
BA	D83- 17	3,078		10 1 82				3,078
DEPARTMENT OF THE TREASURY								
TOTAL BA		109,552	305		-1,820		273	108,310
TOTAL O		7,909	6,537		-14,415		4,847	4,878
NATIONAL AERONAUTICS & SPACE ADMINISTRATION								
Research and development								
BA	D83- 26	34,500		12 7 82				34,500
VETERANS ADMINISTRATION								
Construction, major projects								
BA	D83- 27	4,000		12 7 82				4,000

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 03/03/83 12:10

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-83
OTHER INDEPENDENT AGENCIES								
District of Columbia								
Loans to DC for capital investment								
BA	D83- 18	38,832		10 1 82	-38,832			
Interstate Commission on the Potomac River Basin								
Contrib. to Interst. Comm. on Potomac Riv. Basin								
BA	D83- 28	12		12 7 82				12
Pennsylvania Avenue Development Corporation								
Land acquisition and development fund								
BA	D83- 19	17,949		10 1 82				
BA	D83- 19A		4,409	12 16 82				22,358
Railroad Retirement Board								
Milwaukee railroad restructuring, administration								
BA	D83- 20	240		10 1 82				
BA	D83- 20A		250	2 1 83				490
Small Business Administration								
Business loan and investment fund								
BA	D83- 62	143,000		2 1 83				143,000
Surety bond guarantees revolving fund								
BA	D83- 63	3,000		2 1 83				3,000
Pollu. cont. equip. contract guar. revolv.								
BA	D83- 64	1,000		2 1 83				1,000
Motor Carrier Ratemaking Study Commission								
Salaries and Expenses								
BA	D83- 65	282		2 1 83				282
Tennessee Valley Authority								
Tennessee Valley Authority fund								
BA	D83- 66	47,271		2 1 83				47,271
United States Information Agency								
Salaries and expenses (spec. for. curr. prog.)								
BA	D83- 67	1,344		2 1 83				1,344
Acquis. and construction of radio facilities								
BA	D83- 68	12,437		2 1 83				12,437
United States Railway Association								
Payments for purchase of Conrail securities								
BA	D83- 69	84,000		2 1 83	-83,600			400
OTHER INDEPENDENT AGENCIES TOTAL BA		349,367	4,659		-122,432			231,594
TOTAL BA		9,014,009	4,336,781		-4,422,431		561,179	9,469,538
TOTAL O		7,909	6,537		-14,415		4,847	4,878

a. This adjustment is being made to reflect actual unobligated balances available on October 1, 1982. All unobligated balances are being withheld from obligation.

b. This revision is a technical adjustment that did not increase the amount deferred.

END OF REPORT

[FR Doc. 83-6824 Filed 3-15-83; 8:45 am]
BILLING CODE 3110-01-C

federal register

Wednesday
March 16, 1983

Part V

Office of Management and Budget

Budget Deferral Report

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferral Report

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one new deferral of budget authority totaling $50,000,000 and one revision to a previously reported deferral, increasing the amount deferred by $1,498,389.

The deferrals affect the Department of Energy and the Department of the Treasury.

The details of each deferral are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE, March 9, 1983.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority	
	Energy Activities		
	Atomic Energy Defense Activities		
	Atomic energy defense activities: plant and		
D83-70	capital equipment	50,000	
	Department of the Treasury		
	Office of Revenue Sharing		
	State and local government fiscal assistance		
D83-16B	trust fund	15,944	2/
	Subtotal, deferrals	65,944	

****

SUMMARY OF SPECIAL MESSAGES
FOR FY 1983
(in thousands of dollars)

	Rescissions	Deferrals
Sixth special message		
New items	---	50,000
Change to amounts previously submitted	---	1,498
Effects of Sixth special message	---	51,498
Amounts previously submitted that were changed by this message	---	14,446
Total, rescissions and deferrals	---	65,944
Amounts previously submitted that were not changed by this message	1,554,015 1/	13,350,790
Total amount proposed to date in all special messages	1,554,015 1/	13,416,734

1/ This amount includes $23,400,000 in current budget authority for the rural telephone bank that is offset by a corresponding increase in permanent budget authority (R83-20).
2/ All amounts listed represent budget authority except for $15,944,000 in one general revenue sharing deferral of outlays only (D83-16B).

Deferral No: D83-70

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy
Bureau: Atomic Energy Defense Activities
Appropriation title & symbol: Atomic Energy Defense Activities: (Plant and Capital Equipment, 89X0221)

New budget authority (P.L. 97-377): $1,328,000,000
Other budgetary resources: 25,832,389
Total budgetary resources: 1,353,832,389

Amount to be deferred:
Part of year:
Entire year: 50,000,000

OMB identification code: 89-0220-0-1-053
Grant program: ☐ Yes ☒ No

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other

Type of account or fund:
☐ Annual
☐ Multiple-year (expiration date)
☒ No-year

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other

Justification: This appropriation funds the research and development and production of nuclear weapons including the management of nuclear wastes resulting from these activities for the Department of Defense.

This deferral action is being taken due to delays in construction of permanent facilities for the Waste Isolation Pilot Plant. It is now anticipated that construction will not begin until late 1983. The reservation of these funds is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: This deferral has no programmatic effect as it is consistent with an anticipated delay in obtaining the authority to withdraw land, a prerequisite to initiating construction.

Outlay Effect: This deferral will have no effect on FY 1983 outlays.

D83-16B

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises the previous Deferral Number D83-16A, transmitted to Congress on December 7, 1982.

This revised deferral report for the State and Local Government Fiscal Assistance Trust Fund in the Office of the Secretary of the Treasury increases the previously reported deferral from $14,445,599 to $15,943,988. The increase of $1,498,389 results from withholding payments from various governments for reasons of non-compliance with the requirements of the State and Local Fiscal Assistance Act, as amended.

Deferral No: D83-16B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 97-272): $4,566,700,000
Bureau: Office of Revenue Sharing	Other budgetary resources: 104,871,826 3/
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111 1/ 2/	Total budgetary resources: 4,671,571,826
	Amount to be deferred: Part of year: 15,943,988 4/*
	Entire year:
BEA identification code: 20-8111-0-7-851	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act P.L. 92-512 Sections 121 & 123 ☒ Other P.L. 94-488, P.L. 96-604
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: * The State and Local Government Fiscal Assistance Trust Fund is the vehicle for disbursement of general revenue sharing funds. This deferral represents payments withheld from various governments involved in annexations or disincorporations and for reasons of non-compliance with the requirements of the State and Local Fiscal Assistance Act, as amended. This deferral action is taken pursuant to the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: The release of these funds is contingent upon adherence by the various governments to the compliance regulations, and determinations as to which higher level of government is eligible to receive those funds withheld because of annexations and disincorporations.

Outlay Effect: There is no outlay effect from this deferral because the funds are expected to be disbursed during FY 1983.

1/ This account is subject to another deferral (D83-15).
2/ This account was the subject of similar deferrals during FY 1982 and FY 1981.
3/ Carryover into FY 1983 - unobligated reserve.
4/ Deferral of outlays only.
* Revised from previous submission.

[FR Doc. 83-6825 Filed 3-15-83; 8:45 am]
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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 work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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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 March 11, 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. 1296/Pub. L. 98–4 Payment-in-Kind Tax Treatment Act of 1983. (Mar. 11, 1983; 97 Stat. 7) Price: $1.75

S.J. Res. 15/Pub. L. 98–5 Designating the month of March 1983 as "National Eye Donor Month". (Mar. 11, 1983; 97 Stat. 10) Price: $1.75

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