

ok Federal Register

Tuesday
March 29, 1983

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Environmental Protection Agency

Authority Delegations (Government Agencies)

Food and Drug Administration

Biologics

Food and Drug Administration

Color Additives

Food and Drug Administration

Communications Equipment

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Income Taxes

Internal Revenue Service

Milk Marketing Orders

Agricultural Marketing Service

National Banks

Comptroller of Currency

Railroads

Interstate Commerce Commission

Waste Treatment and Disposal

Environmental Protection Agency



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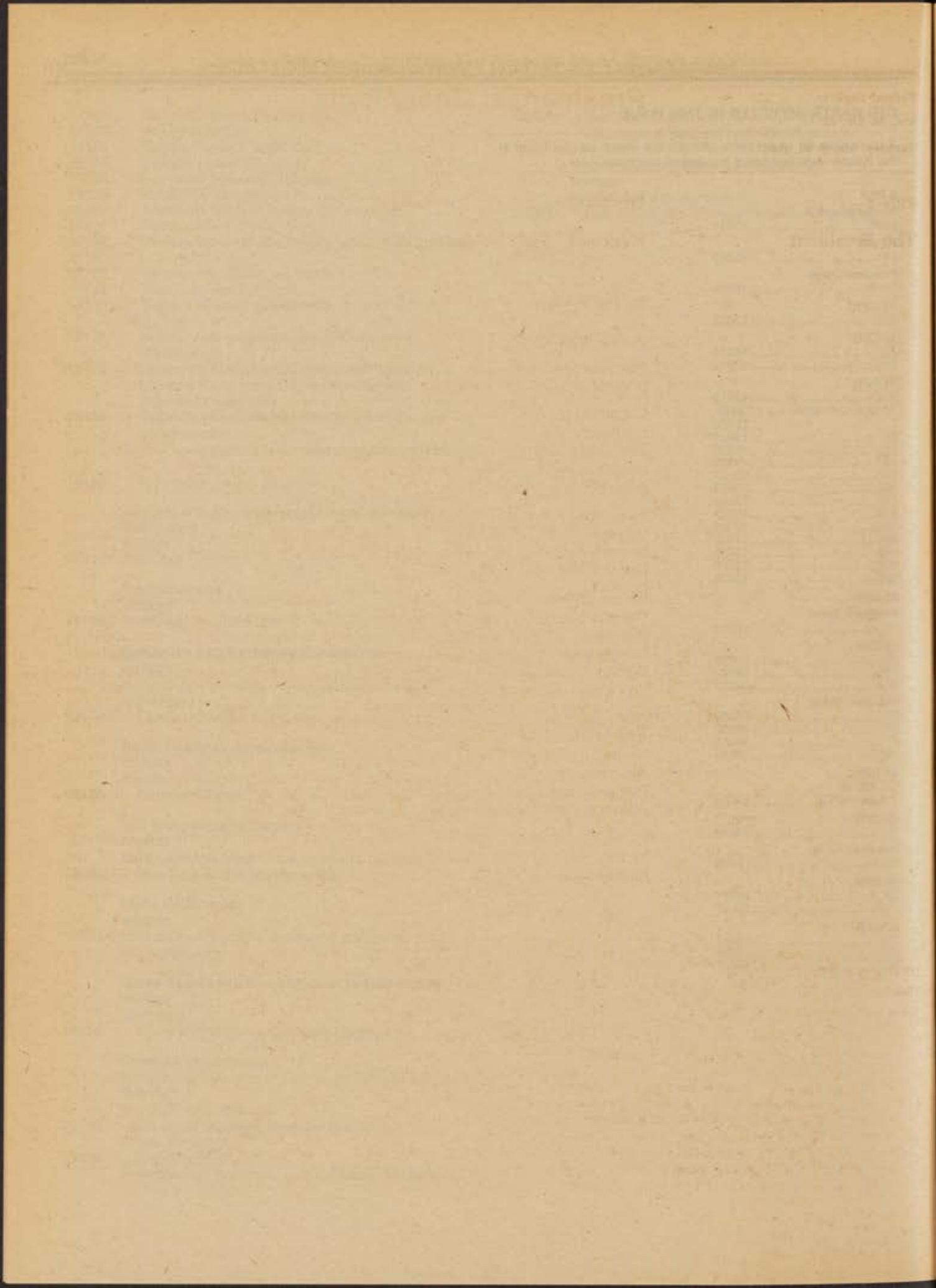
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Title 3—

Proclamation 5035 of March 24, 1983

The President

National Maritime Day, 1983

By the President of the United States of America

A Proclamation

The restructuring of longstanding Federal maritime policies constitutes a high priority of my Administration.

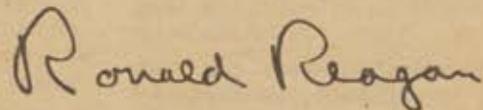
Considerable progress has been made in removing unnecessary regulatory constraints which contribute to inefficiency and increased costs of our shipping and shipbuilding. These efforts will continue and will greatly enhance our maritime posture. Over the next few years, new generations of efficient and productive merchant ships will improve the competitiveness of our fleet.

These and other announced policy initiatives are part of my firm commitment to provide the foundation upon which to build and maintain the strong merchant marine needed to serve the Nation's waterborne commerce and national defense requirements.

In recognition of the importance of the American merchant marine, the Congress, by joint resolution of May 20, 1933, designated May 22 as National Maritime Day and requested the President to issue annually a proclamation calling for its appropriate observance. This date was chosen to commemorate the day in 1819 when the SS SAVANNAH departed Savannah, Georgia, on the first transatlantic steamship voyage.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate May 22, 1983, as the fifty-first observance of National Maritime Day. I urge the people of the United States to honor our American merchant marine on that day by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th 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.



Department of the Interior

Geological Survey

Washington, D. C.

1900

The following report was prepared by the

Geological Survey, Department of the Interior, under the direction of the Chief of the Survey, and is published as a part of the series of reports of the Survey.

The report is published by the Geological Survey, Department of the Interior, Washington, D. C., and is available for sale at the following prices:

Per copy, paper cover, 10 cents; cloth cover, 25 cents. Single copies may be ordered from the Superintendent of Printing, Washington, D. C.

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Richard D. Rogers

Rules and Regulations

Federal Register

Vol. 48, No. 61

Tuesday, March 29, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 991

Hops of Domestic Production; Filling Deficiencies and Reserve Hops; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects the section heading number of provisions regarding reserve hops which appeared on page 79006 of the November 28, 1980, issue of the Federal Register, and of a change made in those provisions, which appeared on page 60179 of the December 9, 1981, issue of the Federal Register. These should have been placed in new § 991.139a but were inadvertently placed in § 991.139 which had been suspended until July 31, 1983. Section 991.139 prescribes requirements on filling deficiencies in annual allotments and the suspension appeared on page 41902 of the June 23, 1980, Federal Register.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Assistant Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-5697.

Part 991—[Amended]

Therefore, "§ 991.139 Reserve hops." should be corrected to "§ 991.139a Reserve hops.", and "§ 991.139 Filling deficiencies in salable quantity." should be reestablished effective August 1, 1983, to read as follows:

§ 991.139 Filling deficiencies in salable quantity.

Pursuant to § 991.38(d), the requirements therein with respect to the filling of deficiencies in annual allotments are modified as follows:

(a) Except as limited by paragraph (d) of this section, a producer otherwise eligible pursuant to § 991.38(d) to fill such a deficit in his annual allotment may do so only if: (1) Such producer experiences conditions beyond his control, as defined in paragraph (c) of this section; (2) he notifies the Committee within 48 hours, or such other time as the Committee may prescribe, of such conditions; (3) he furnishes proof, satisfactory to the Committee, of the conditions beyond his control within the time prescribed by the committee; and (4) the quantity of hops he acquires to fill the deficit does not exceed the amount specified in paragraph (b) of this section.

(b) The amount of the deficit in any producer's annual allotment that may be filled shall be the lesser of: (1) The difference between his annual allotment and his harvested quantity, or (2) the difference between his harvested quantity if any, from acreage affected by conditions beyond his control and the quantity obtained by multiplying the producer's base yield per acre, adjusted by the allotment percentage, by the number of acres so affected.

(c) Conditions beyond his control may include, but are not necessarily limited to, adverse climatic conditions such as frost, hail, excessive wind or heat which are beyond normal hazards of producing hops in the particular location and excesses or shortages of water not due to faulty irrigation practices.

(d) Where a producer's production of hops on all or a part of his hop acreage is below normal by industry standards due to an overall "less than normal yield" not caused by conditions beyond his control, as defined in paragraph (c) of this section, the producer shall not be eligible to fill any portion of his annual allotment deficit not caused by conditions beyond his control, as defined in paragraph (c) of this section.

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

Dated: March 24, 1983.

Charles R. Brader,
Director, Fruit and Vegetable Division.

[FR Doc. 83-8030 Filed 3-29-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CAS-RM-80-118]

Energy Conservation Program for Consumer Products; Test Procedures for Refrigerators and Refrigerator-Freezers, and Freezers, Correction

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Final rule; correction.

SUMMARY: This document corrects errors made in the final rule amending the test procedures for refrigerators and refrigerator-freezers, and freezers appearing at and following page 34517 of the August 10, 1982 Federal Register (Vol. 47, No. 154).

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Stop CE-113.1, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9127.

SUPPLEMENTARY INFORMATION: Upon careful review of the Federal Register publication of final amendments to the test procedures for refrigerators and refrigerator-freezers, and freezers, a number of typographical and other errors were found. Consequently, the final amendments to the test procedures for refrigerators and refrigerator-freezers, and freezers are corrected as set forth below.

Issued in Washington, D.C., March 21, 1983.
Joseph J. Tribble,
Assistant Secretary, Conservation and Renewable Energy.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

Accordingly, the following corrections are made to Appendices A1 and B1 of Subpart B of 10 CFR Part 430:

Appendix A1 (Alternative) [Corrected]

1. Section 1.4 is corrected to capitalize the first letter of the first word in the section and to delete the first decimal point in the term "{(0.0°C)" to make it read "{(0.0°C)".

2. The third sentence in section 4.1.2.1 which reads, in part, " * * * The second part would start when a defrost period is manually initiated * * * " is corrected to read " * * * The second part would start when a defrost period is initiated * * * ".

3. In section 5.1.2, the reference in the last sentence in the section to section " * * * 4.1.3." is corrected to read " * * * 4.1.1."

Appendix B1 (Alternative) [Corrected]

1. Section 2.1 is corrected to replace the term "(32.±0.6°C)" with the term "(32.2±0.6°C)". Also, section 2.1 is to be placed in correct sequential position with regard to section 2.2.

2. Section 2.3 is corrected to delete the following sentence in its entirety: "[Note.—Change format of 2.3A to match format of 2.3B]". Also, paragraph A of section 2.3 which reads, in part, " * * * is compared to the average an equivalent time period * * * " is corrected to read " * * * is compared to the average over an equivalent time period * * * ".

3. The third sentence in section 4.1.2.1 which reads, in part, " * * * The second part would start when a defrost period is manually initiated * * * " is corrected to read " * * * The second part would start when a defrost period is initiated * * * ".

4. In section 5.1.2, the reference to the last sentence in the section to section " * * * 4.1.3." is corrected to read " * * * 4.1.1."

5. The formula in section 5.2.1.1 which reads "ET=(EP × 1440 × k)/T" is corrected to read "ET=(EP × 1440 × K)/T".

6. The formula in section 5.2.1.2 which reads "ET=(1440 × EP1/T1) + ((EP2 - (EP1 × T2/T1)) × K × 12/CT)" is corrected to read "ET=(1440 × K × EP1/T1) + ((EP2 - (EP1 × T2/T1)) × K × 12/CT)".

7. The formula in section 6.2.1.2 which reads "E=ET1 + ((ET2 - ET1) × (0.0 - TF1)/(TF2 - TF1))" is corrected to read "E=ET1 + ((ET2 - ET1) × (0.0 - TF1)/(TF2 - TF1))".

[FR Doc. 83-7929 Filed 3-28-83; 8:45 am.]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY Comptroller of the Currency

12 CFR Part 7

[Docket No. 83-14]

Interpretative Rulings

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This document contains a technical amendment which clarifies the Comptroller's interpretive ruling regarding a national bank's compliance with the five-year holding period for "salvage" real estate (12 CFR 7.3020).

EFFECTIVE DATE: March 29, 1983.

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

SUPPLEMENTARY INFORMATION: This amendment clarifies references to 12 U.S.C. 29 appearing in 12 CFR 7.3020(a)(1)-(2) and citing the statute's "second paragraph." Reference to the "second paragraph" is ambiguous since the statute contains both designated and undesignated paragraphs. Also, as has occurred in the past, amendment of the statute may change the number of a paragraph resulting in an incorrect paragraph reference in the regulation. In order to avoid these problems and to clarify which portion of the statute is being referenced in the regulation, this amendment refers to the substance of 12 U.S.C. 29 to which the regulation applies rather than to the applicable paragraph number of the statute.

This amendment to Interpretive Ruling 7.3020 (12 CFR 7.3020) is purely technical. It in no way affects a bank's obligation to comply or the permissible means of compliance with the provisions of 12 U.S.C. 29. For this reason, the Office finds, in accordance with 5 U.S.C. 553(b)(3), that notice and public comment are unnecessary.

Special Analyses

Since this amendment is not subject to notice and comment, preparation of a Regulatory Flexibility Analysis is not required. The Comptroller of the Currency believes, however, that the clarifications will facilitate the application of the existing regulation and will not have any particular effect on small entities.

The Office has determined that the amendment is not a "major rule" as defined by Executive Order 12291 and, therefore, a Regulatory Impact Analysis has not been prepared. The amendment will not have an annual effect on the economy of \$100 million or more and will not result in a major increase in the cost of bank operations, government supervision of banks, or consumer services. The amendment also will not have adverse effects on competition, employment, investment, productivity or

on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 12 CFR Part 7

National banks, "Salvage" real estate.

Accordingly, 12 CFR Part 7 is amended to read as follows:

PART 7—INTERPRETIVE RULINGS

Subpart C—Bank Ownership of Property

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

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

2. Section 7.3020 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 7.3020 Real estate acquired as salvage on uncollectable loans.

(a) Disposal of "salvage" real estate within 5 years.

(1) A national bank may comply with its obligation under 12 U.S.C. 29 to dispose within five years of real estate acquired by the bank for a debt previously contracted by retaining or transferring such real estate to a subsidiary or affiliate for use in the business of the bank, subsidiary or affiliate.

(2) Compliance with the requirement of 12 U.S.C. 29 that a bank dispose within five years of real estate acquired for a debt previously contracted may also be accomplished, subject to prior approval of the Regional Administrator of National Banks, by disposal of such real estate under an arrangement by which the bank will realize additional compensation upon the ultimate disposition of the property by the transferee where: (i) The bank has been unable to dispose of the real estate except at an unreasonably low price resulting in a substantial loss to the bank; and (ii) there is no reason to believe that a substantially higher price is obtainable for such real estate within a reasonable period.

Dated: March 14, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-3082 Filed 3-28-83; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL HOME LOAN BANK BOARD**12 CFR Part 543**

(No. 83-150)

Amendments Relating To Grandfathering of State Authority by Institutions Converting to Federal Charters

Dated: March 17, 1983.

AGENCY: Federal Home Loan Bank Board.**ACTION:** Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is adopting a new regulation applicable to the grandfathering of rights enjoyed as state mutual savings banks by institutions converting to federal charter, whether those institutions retain their Federal Deposit Insurance Corporation ("FDIC") insurance coverage, or obtain insurance of accounts from the Federal Savings and Loan Insurance Corporation. Any converting institution will be allowed to retain its state mutual savings bank authority, and any federal association subsequently acquiring that converted institution by merger or consolidation will likewise be able to enjoy those grandfathered rights. Grandfathered rights may be transmitted through merger on an indefinite basis, as long as the disappearing institution had converted to a federal savings bank, and may not be defeated by the non-occurrence of a statutory condition precedent to their use at the time of conversion. This regulation is adopted to implement statutory changes made to § 5(j) of the Home Owners' Loan Act of 1933 by the Garn-St Germain Depository Institutions Act of 1982 ("Garn-St Germain Act").

EFFECTIVE DATE: March 17, 1983.**FOR FURTHER INFORMATION CONTACT:**

Peter M. Barnett, Associate General Counsel, Office of the General Counsel (202/377-6445) Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

The Financial Institutions Regulatory and Interest Rate Control Act of 1978, Pub. L. 95-630, amended section 5(a) of the Home Owners' Loan Act of 1933 ("HOLA") (12 U.S.C. 1464(a)) to authorize the Board, on a limited basis, to grant federal mutual savings bank charters. These charters were available only to institutions converting from the state mutual savings bank ("MSB") form. Because state-chartered MSBs often had powers exceeding those allowable to federal associations under the HOLA, the amendments to section

5(a) contained authorization for limited "grandfathering" of state authority. A federal MSB was permitted to carry on any activities it was engaged in on December 31, 1977, and to retain or make any investment of a type it held on that date, except that its equity, corporate bond, and consumer loan investments could not exceed the average ratio of such investments to total assets for the five-year period immediately preceding the filing of its application for conversion. Regulations regarding section 5(a) grandfathering authority were issued August 22, 1980 (45 FR 58033), and may be found at 12 CFR 578.2 (1982).

As part of its substantial enhancement of the investment and other authority available to federal thrift institutions, the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, ("Garn-St Germain Act"), substantially broadened the grandfathering possibilities available to federal associations which formerly were state MSBs. These rights are available whether the conversion to federal charter took place under old section 5(a) of the HOLA, or under new section 5(i) or 5(o). Under new section 5(i)(5)(A) of the HOLA, any activity (including branching) or investment available under state law at the time of conversion from a state MSB may continue to be made by that institution as a federal association, to the extent authorized by the Board. In addition, under new section 5(i)(5)(B), any federal association that merges with a federal savings bank enjoying grandfathered rights acquires those rights itself and, provided it first converts to a federal savings bank, if it does not already enjoy that status, may pass them on in turn to a federal association that absorbs it.

The 1980 regulations clearly were inadequate to address the new authorization. The Board, therefore, by Resolution No. 82-790 (47 FR 56314; published on December 16, 1982), proposed a new regulation setting forth in detail its interpretation of the appropriate extent of the authority provided by section 5(i)(5). However, in order to allow processing of charter conversions pursuant to final regulations promulgated by the Board in companion Resolution No. 82-791 (47 FR 56985; published on December 22, 1982), applicants otherwise eligible for approval have been permitted to apply for grandfathered rights consistent with the Board's proposed regulation, upon the condition that newly-chartered institutions so approved will be required to conform with the Board's final rule or

other Board action in further consideration of this area.

Proposed § 543.11-1 set forth in paragraph (a) the general standard applicable to grandfathering. As proposed, a federal association that at one time was a state MSB could exercise as a federal association any authority it had under state law at the time it ceased to be a state MSB. Such grandfathered authority could be exercised, however, only to the degree permitted under state law, except to the extent that such authority may be enjoyed by federal associations not enjoying grandfathered rights. Thus, in a hypothetical situation where state law allowed up to 20 percent of an institution's assets to be invested in commercial loans, subject to a more restrictive single-borrower limit than that applicable under federal law, a converted federal association could make commercial loans up to the 10-percent-of-assets limit applicable to federal associations in accordance with the more liberal federal loans-to-one-borrower statute, and comply with the state law requirement only for commercial loans made in excess of the federal percentage-of-assets ceiling. In addition, explicit authorization was provided in paragraph (a) to allow converted institutions to continue to follow state law and regulation regarding grandfathered authority, except as otherwise provided by the Board.

Proposed paragraph (b) dealt with the passing on of grandfathered rights through merger or consolidation. Any federal association that acquires, by merger or consolidation, a federal savings bank enjoying grandfathered rights also would acquire those grandfathered rights. Those rights could be transmitted and retransmitted indefinitely to other federal associations in the same manner, assuming the disappearing association was a federal savings bank at the time of the merger or consolidation.

Proposed paragraph (c) clarified that grandfathering does extend to authority under state law that may be exercised only in accordance with the occurrence of a condition precedent, such as the occurrence of a future date, or the attainment of a specified level of net worth. Thus, if a savings bank under state law were allowed to make particular investments as long as it has 10 percent net worth, it would be permitted to make those investments as a federal association, provided it meets that net-worth requirement. The fact that the condition precedent has not yet

occurred at the time of conversion would not defeat grandfathering.

Finally, proposed paragraph (d) clarified that grandfathering is not to be construed as a device for allowing institutions more liberal authority than is allowed under the most liberal construction of state or federal law. For instance, if a state allows 20 percent of assets to be invested in a particular category and the HOLA allows 10 percent, a converted institution may not, as a result of grandfathering, be allowed to invest 30 percent of its assets in that category. Such a construction would be an overly generous interpretation of the statute.

The Board has determined to adopt the regulation as proposed, with several modifications.

First, the phrase "To the extent authorized by the Board" has been deleted where it appeared in proposed paragraphs (a) and (b), and the phrase "as determined by the Board" has been deleted from the second sentence of proposed paragraph (a). This action was taken to avoid giving the impression that the agency, with respect to applications for conversions or mergers in which grandfathering is involved, would determine on a case-by-case basis to what extent state authority would be retained. This was not the Board's intent in proposing the regulation. The use in the proposal of the deleted language was designed merely to signal that the Board would not uncritically and irrevocably accept an institution's own assessment of state authority, but would remain the ultimate arbiter of what rights attach. The Board's authority to act in this role, however, is clear under its general regulatory power stemming from, among other sources, sections 5(a) and 5(o) of the Home Owners' Loan Act of 1933, as amended by the Garn-St Germain Act. In addition, the reservation of authority in this regard is explicitly provided in the regulation in the second and third sentences of paragraph (a). Accordingly, retention of the deleted language would be redundant and confusing. The Board also is deleting the phrase "as determined by the Board" from proposed paragraphs (c) and (d) for the similar reason that to do otherwise would be confusing and, given the Board's plenary regulatory powers, redundant.

Until experience demonstrates that there is a positive need to take a contrary approach, for reasons of safety or soundness or otherwise, the Board will allow unrestricted grandfathering of state law investment and activity authority by converting savings banks, and in connection with mergers of

institutions possessing grandfathered rights. There is no indication in the legislative history of the Garn-St Germain Act that such an approach is inappropriate; indeed, the basic thrust of that legislation was to deregulate thrift institutions and make them more effective competitors. The approach adopted was basically urged by one commenter, and opposed by another. The issue is reviewed in more detail in the following discussion of comments.

The Board also has determined to amend proposed paragraph (b) to clarify the existence of grandfathering rights with regard to certain institutions that were federal savings banks but that converted to federal savings and loan associations or merged into federal savings and loan associations prior to the enactment of the Garn-St Germain Act. The regulations as amended now explicitly states that those transactions will be regarded as having the same impact on grandfathering as they would if had they occurred subsequent to enactment. Thus, a federal savings and loan association that, prior to enactment, converted to that status from a federal savings bank, or absorbed a federal savings bank by merger, would be entitled to exactly the same grandfathering rights as would be extended if the conversion or merger occurred after the Act became law. The Board believes the essentially remedial thrust of the Garn-St Germain Act strongly supports this approach, which was urged by one commenter.

Comments

In all, the Board received eleven letters of comment on the proposed regulation. Five comments were from savings banks, four were from trade associations, one was from a savings and loan association and one was from a law firm. Five commenters favored the proposal without qualification, five favored it but had supplementary comments or suggestions, and one generally opposed it.

Issues Raised by Commenters

1. *Extent of Grandfathering.* One commenter raised the basic objection that the Board should not allow converted institutions to exercise all state law authority permissible under the Garn-St Germain Act without restrictions, but instead, using specific criteria, should decide on the basis of case-by-case determinations, as part of the merger or conversion application process, which state powers should be grandfathered. The Board has considered this suggestion very carefully, in light of its responsibilities, particularly with regard to maintenance

of the safety and soundness of insured institutions. The Board is not persuaded, however, that the nature of the activities potentially to be grandfathered is such as to warrant the imposition of a burdensome case-by-case analysis requirement upon institutions seeking to convert or merge. The powers in question all result from statutes passed by state legislatures, which, under the dual system of financial institution regulation long sanctioned by Congress, have a keen interest in the safety and soundness of the depository institutions operating with state charters. There is certainly no basis for an assumption on the Board's part that these powers, which converting institutions must enumerate as part of their application process, are inherently suspect because they have their origins in state rather than federal law, or that their combination with other authority allowed under the Home Owners' Loan Act would automatically generate supervisory or other problems.

Although the commenter states that Congress intends grandfathering to be limited to traditional activities of banks and savings and loans rather than new categories of activities prohibited to federals, the Board finds no persuasive evidence in the statute or its legislative history to justify such a restriction. The statute, found at section 5(i) (5)(A)(ii) of the Home Owners' Loan Act of 1933, as amended (to be codified at 12 U.S.C. 1464(i)(5)(A)(ii)), speaks very broadly of permitting grandfathering of any investment or activity "not otherwise authorized under this section," and there is no suggestion in the legislative history that this language should be narrowed to impose a "traditional activities" test. See S. Rep. 536, 97th Cong., 2d Sess. 53 (1982).

In the Board's view, the proper approach is to permit broad grandfathering, as proposed, and to maintain a careful watch on the use of expanded powers through our examination process. The Board is provided with extensive supervisory tools for dealing with potentially unsafe or unsound practices and, of course, is free to engage in corrective rulemaking at any time should problems arise. At a time when the Board is struggling to reduce the regulatory burdens that have contributed to the serious financial problems of the thrift industry, it would be anomalous to engage in the case-by-case scrutiny urged without convincing evidence that problems are likely to result from implementation of the broad grandfathering strategy authorized by the new statute.

The Board believes that the potential benefits to be derived from blanket grandfathering, in terms of, for example, increased investment authority, improved chances (as a result of enhanced franchise value) to raise capital, and broadened ability to serve customers and the community, all strongly argue in favor of initially allowing unfettered use of the authority extended by Congress.

While the commenter appears to indicate that Congress intends the Board to use a case-by-case approach because of the statutory phrase "to the extent authorized by the Board," the Board finds nothing in the legislative history of section 5(i) (5) that supports this view. The Board, as indicated, has considered the matter and has determined not to restrict the exercise of the grandfathering authority provided under the statute. The Board believes that it is a reasonable and appropriate construction of section 5(i) (5), particularly in light of the broad regulatory grant of authority to the Board under sections 5(a) and 5(c), to determine that the appropriate extent of grandfathering for each eligible institution is the maximum specified in the statute.

2. Securities Activities. One commenter requested the Board to specifically prevent the grandfathering provision from authorizing federal savings banks to engage in securities activities that it claims are prohibited under federal law. In brief, the commenter indicated a strong belief that for the Board to permit thrift institutions to engage in securities-related activities would be contrary to federal policy, as embodied in the Garn-St Germain Act, as well as inherently unsafe and unsound. In addition, the commenter points to the legislative history of the Garn-St Germain Act as a source of Congressional intent that federal thrifts should not engage in securities activities. The Board is not persuaded that it should adopt the proposed restriction.

Section 5(i) (5), by its terms, quite clearly provides that if an investment or activity is allowed under state law, a converted savings bank may import it into the federal system and pass it on by merger. There is nothing in the legislative history of that provision that suggests a different interpretation. The commenter states that the legislative history of the Garn-St Germain Act evidences displeasure with a proposed Board service corporation regulation, since withdrawn, which would have allowed service corporations to engage in a wide variety of businesses on a pre-

approved basis, including certain securities-related activities. We have examined this history and do not believe it should be read to indicate that the activities proposed in the regulation were prohibited from being brought into the federal system by grandfathering. The purpose of grandfathering is to carve an exception in the general scheme governing federal association investments and activities for certain classes of institutions. The Board believes that this will not just prove valuable to institutions, their customers, and their communities, but will prove as well to be a valuable means for regulators and Congress to evaluate on a limited basis, the impact of varying degrees of increased thrift authority. Using the states as laboratories had a very beneficial impact in the NOW account area, and could yield similarly positive results in other fields as well. The commenter has not provided, and the Board has been unable to find, any persuasive authority for the proposition that Congress was so hostile to the notion of thrift involvement in securities activities that a special exception should be carved out of the grandfathering regulation to prohibit such activities.

With respect to the Glass-Steagall argument, the Board has already determined in connection with applications that, consistent with that Act, federal associations may operate a subsidiary that engages in securities activities. It is also noted that the Federal Deposit Insurance Corporation has reached the conclusion that authorization of securities activities for the subsidiary of a Massachusetts-chartered mutual savings bank would not be in violation of the Glass-Steagall Act.

Concerning the assertion that securities activities are unsafe and unsound for financial institutions, the Board has examined this issue carefully in connection with the previously mentioned service corporation subsidiary application. Given effective Securities and Exchange Commission regulation and the Board's own careful supervision, there is no reason why this line of business should pose a particular threat with respect to safety or soundness. Properly regulated, it should allow for increased competition in the marketplace, and enhanced profitability for the parent association.

3. Exercise of Powers as a Condition Precedent to Grandfathering. One commenter urged that the Board should have a presumption against grandfathering of any powers not actually exercised under state law, if not a direct prohibition on the initiation of

such new activities. This suggestion was advanced on the basis that it would not disadvantage a converting institution to refrain from doing that which it has not done in the past. Again, there is no hint in the legislative history of Congressional preference for such an approach. Indeed, under prior law governing grandfathering, 12 U.S.C. 1464(a) (1982), a restriction similar to that urged was in existence. Its repeal and replacement, by language clearly allowing converted institutions to continue to rely on state law authority relating to investments and activities, suggests a preference for the approach proposed. There is no justification for denying a converting savings bank the ability to exercise, as a federal association, state law investment or activities options not utilized for some reason as a state institution.

4. Survival of Grandfathered Powers in Mergers. One commenter suggested that the Board should define the circumstances under which grandfathered powers may be passed along in mergers. This was regarded as desirable in that a federal association could enlarge its authority by merging with another institution with grandfathered rights, and that grandfathered activities that would be benign in a converted institution might raise safety and soundness concerns in a larger association. The commenter was particularly disturbed that a large institution could acquire additional powers by merging with a small institution with grandfathered authority.

Again, there is no suggestion in the statutory language or its legislative history that Congress wished the Board to limit the transmission of grandfathered rights through merger. After considering the matter, the Board fails to see any reason at this time to cut back on the full complement of rights extended under the statute, either by general rulemaking or by case-by-case scrutiny. Furthermore, the Board sees no basis for imposing special restrictions based on the respective size of the merger participants. With regard to concerns that the regulation allows federals to increase their authority through mergers with institutions having grandfathered rights, this is regarded as the precise intent of the statute, which is unambiguously phrased to permit such an enhancement of authority. As indicated previously, the Board has extensive supervisory resources for use in correcting abuses, and will use them if problems develop.

5. Explicit State Law Authorization as Pre-Condition to Grandfathering. One commenter suggested that an activity

should not be considered to be authorized under state law unless it is explicitly permitted by a valid state statutory or regulatory provision. Without such a restriction, the commenter believed there would be no degree of certainty regarding the types of investments in activities that might be allowed through grandfathering. The Board considered the merits of such an approach and concluded that, on balance, requiring a linkage to explicit statutory or regulatory language would be unduly cumbersome. Requiring federal associations, for example, to rely on the *explicit* terms of the Home Owners' Loan Act or the regulations issued thereunder would be extremely confusing. An important degree of reliance is placed upon interpretations of the Board and the courts, particularly with regard to inherent and incidental powers, to fill in the interstices of the statutory and regulatory scheme. The states operate in a similar manner. In the Board's view, this is another area best handed through careful supervisory monitoring of grandfathered powers. If a pattern of actual or attempted overstepping of state law occurs, the Board will consider taking appropriate remedial action.

6. Effect of Post-Conversion Passage of State Laws. One commenter recommended that activities authorized under state law after an institution converts should not be grandfathered. Two others took the opposite view. The Board does not believe the statute permits a converted institution to take advantage of a state law enacted after the date of conversion, and the regulation reflects this belief. The regulation does allow, however, an institution to take advantage of state authority enacted prior to conversion but unavailable to the institution at the time of conversion because of a delayed effective date or a failure to meet some other condition precedent.

7. Notice, Comment and Hearing Procedures. One commenter indicated that the Board should make available notice, comment and hearing procedures to parties interested in the grandfathered rights of converting institutions. Conversions of savings banks formerly were subject to such procedures, unlike conversions of other institutions. The Board has gained experience with savings banks, however, and in addition, the Act made designation as a savings bank an option available to all thrifts. Accordingly, the Board determined to conform the savings bank conversion procedures to those governing other conversions to

federal charters. Such conversions are treated basically as business decisions of the institution, which the Board does not think need be routinely subjected to elaborate approval procedures.

The Board believes that the benefits, in terms of enhanced competitiveness and the ability to provide more flexible service to customers, which were the primary objectives of the Garn-St Germain Act, strongly argue in favor of deregulation in this area, rather than imposition of the potentially time-consuming and expensive procedures sought. There is no more justification for a notice, comment and hearing procedure aimed at individual institutions seeking to use this new empowerment than for imposing such a procedural hurdle on federal associations seeking to use their new abilities to lease tangible personal property, make commercial loans, or accept demand deposits. This is not to indicate, however, that the chartering/grandfathering process will be inaccessible to public scrutiny. Names of applicants are available through the Board's Federal Home Loan Banks, and, of course, the provisions of state law are widely known. Any party believing an institution is operating or will operate in defiance of applicable authority is encouraged to bring such information to the attention of the Board's Office of Examination and Supervision.

Final Regulatory Flexibility Analysis

1. Reasons, objective, and legal basis underlying the proposed rule. These elements have been incorporated elsewhere into the supplementary information regarding the regulation.

2. Small entities to which the proposed rule will apply. The rule will apply only to FSLIC-insured or federally-chartered institutions. At present, institutions eligible to convert and obtain grandfathering rights exist in fewer than twenty states.

3. Overlapping or conflicting federal rules. There are no known federal rules that may duplicate, overlap, or conflict with the regulation.

4. Alternatives to the rule. The regulation will allow certain institutions converting to federal charters to retain attractive state investment and other authority, and for that authority to be passed to other federal associations through merger. Small associations will be able to enjoy this right to the same extent as large institutions, and the regulation will thus be beneficial to them, by providing more organizational, investment and other flexibility. In addition, smaller institutions could become more attractive merger partners

as a result of the regulation, which would be of great importance to institutions in financial difficulty. There is no disproportionate negative effect on small institutions. Because the regulation authorizes use of what currently appears to be the most liberal grandfathering interpretation available under the statute, it would not be possible to modify the proposal to make it more lenient and thus increase the benefits available under it to small institutions. Restricting the benefits of the regulation to small institutions could conceivably result in a relative improvement for small institutions, but the Board sees no basis for such an approach under the circumstances. The language of Section 5(i) certainly does not point in that direction.

One commenter criticized the Board's Initial Regulatory Flexibility Analysis as inadequate. The Board has carefully reviewed its approach in this matter and has determined it to be consistent with the Regulatory Flexibility Act. That Act is basically designed to make agencies consider adjusting the imposition of regulatory restrictions in a way, if possible, to reduce burdens on small entities. It certainly was not designed to require artificially restricting by regulation the statutory investment and activities options open to large financial institutions in order to favor their smaller competitors.

Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80-584 (September 11, 1980) have been incorporated into the supplementary information regarding the regulation.

Effective Date

Because there is a present need to allow thrift institutions greater flexibility in their investment, organizational and other decision-making, the Board has determined that the 30-day delay of effective date following publication of the regulations pursuant to 12 CFR 508.11 and 15 U.S.C. 533(d) is unnecessary.

List of Subjects in 12 CFR Part 543

Savings and loan associations.

Accordingly, the Board hereby amends Part 543, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 543—[AMENDED]

Add a new § 543.11-1, as follows:

§ 543.11-1 Grandfathered authority.

(a) A Federal savings bank formerly chartered or designated as a mutual savings bank under state law may exercise any authority it was authorized to exercise as a mutual savings bank under state law at the time of its conversion from a state mutual savings bank to a Federal or other state charter. Except to the extent such authority may be exercised by Federal associations not enjoying grandfathered rights hereunder, such authority may be exercised only to the degree authorized under state law at the time of such conversion. Unless otherwise determined by the Board, an association, in the exercise of grandfathered authority, may continue to follow applicable state laws and regulations in effect at the time of such conversion.

(b) A Federal association that acquires, or has acquired, a Federal savings bank by merger or consolidation may itself exercise any grandfathered rights enjoyed by the disappearing institution, whether such rights were obtained directly through conversion or through merger or consolidation. The extent of the grandfathered rights of a Federal association that disappeared prior to the effective date of this section shall be determined exclusively pursuant to this section.

(c) This section shall not be construed to prevent the exercise by a Federal association enjoying grandfathered rights hereunder of authority that is available under the applicable state law only upon the occurrence of specific preconditions, such as the attainment of a particular future date or specified level of net worth, which have not occurred at the time of conversion from a state mutual savings bank, provided they occur thereafter.

(d) This section shall not be construed to permit the exercise of any particular authority on a more liberal basis than is allowable under the most liberal construction of either state or federal law or regulation.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947; 3 CFR 1943-1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

(FR Doc. 83-6055 Filed 3-28-83; 8:45 am)

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 5****Delegations of Authority and Organization; Director, Veterinary Medicine, et al.**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority on food-related matters to add new delegations to Bureau of Veterinary Medicine officials. The new delegations of authority will expedite the administrative handling of certain routine actions of that Bureau.

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: In § 5.31(e) (21 CFR 5.31(e)) the introductory paragraph is designated as paragraph (1), and paragraph (2) is added delegating to the Director and Deputy Director of the Bureau of Veterinary Medicine the authority to issue 180-day tentative responses to citizen petitions on animal food and drug matters.

In § 5.61(b) (21 CFR 5.61(b)) the introductory paragraph is designated as paragraph (1), and paragraph (2) is added delegating to the Director and Deputy Director of the Bureau of Veterinary Medicine the portion of the authority that relates to approvals of the use of food additives. In § 5.61(c) (21 CFR 5.61(c)) the introductory paragraph is designated as paragraph (1), and paragraph (2) is added delegating to the Director and Deputy Director of the Bureau of Veterinary Medicine and the Associate Director and Deputy Associate Director for Surveillance and Compliance and the Director and Deputy Director of the Division of Animal Feeds of that Bureau the portion of the authority that relates to food additives.

Further delegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (government agencies), Organization and functions (government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. In § 5.31 by revising paragraph (e), to read as follows:

§ 5.31 Petitions under Part 10.

(e)(1) The Director and Deputy Director of the Bureau of Foods are authorized to issue 180-day tentative responses to citizen petitions on food matters under § 10.30(e)(2)(iii) of this chapter that relate to the assigned functions of that Bureau.

(2) The Director and Deputy Director of the Bureau of Veterinary Medicine are authorized to issue 180-day tentative responses to citizen petitions on animal food and drug matters under § 10.30(e)(2)(iii) of this chapter that relate to the assigned functions of that Bureau.

2. In § 5.61 by revising paragraphs (b) and (c), to read as follows:

§ 5.61 Food standards, food additives, generally recognized as safe (GRAS) substances, and color additives.

(b)(1) The Director and Deputy Director of the Bureau of Foods are authorized to perform all the functions of the Commissioner of Food and Drugs under sections 401, 409, and 706 of the act regarding the issuance of notices of temporary permits for foods varying from standards of identity under § 130.17 of this chapter; and approvals of the use of food additives under section 409(e) of the act, and color additives, other than those on the provisional list, under section 706(d) of the act, where these approvals do not involve novel or controversial issues, including any question about the applicability of the Delaney Anti-Cancer Clause.

(2) The Director and Deputy Director of the Bureau of Veterinary Medicine are authorized to perform all of the functions of the Commissioner of Food and Drugs regarding approvals of the use of food additives under section 409(e) of the act, where these approvals do not involve novel or controversial issues, including any question about the

applicability of the Delaney Anti-Cancer Clause.

(c)(1) The Director and Deputy Director of the Bureau of Foods, and the Associate Director for Compliance and the Director and Deputy Director of the Division of Food and Color Additives of that Bureau are authorized to issue 90-day letters to food additive petitioners under section 409(c)(2) of the act or to color additive petitioners under section 706(d)(1) of the act that relate to the assigned functions of that Bureau.

(2) The Director and Deputy Director of the Bureau of Veterinary Medicine, and the Associate Director and Deputy Associate Director for Surveillance and Compliance and the Director and Deputy Director of the Division of Animal Feeds of that Bureau are authorized to issue 90-day letters to food additive petitioners under section 409(c)(2) of the act that relate to the assigned functions of that Bureau.

Effective date. This regulation shall become effective March 29, 1983.

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

Dated: March 16, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-7336 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 74

[Docket Nos. 82C-0396, 82C-0397, and 82C-0399]

D&C Green No. 6; Listing as a Color Additive For Use in Contact Lenses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of D&C Green No. 6 as a color additive in contact lenses. The agency is taking this action in response to petitions filed by Baus-Krey Associates, Inc., Syntex Ophthalmics, Inc., and Polymer Technology Corp.

DATES: Effective April 29, 1983; objections by April 28, 1983.

ADDRESS: Written objections may be sent to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

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

SUPPLEMENTARY INFORMATION: In two notices published in the Federal Register

of January 14, 1983 (48 FR 1822 and 1823), FDA announced that color additive petitions CAP 3C0171 (Docket No. 82C-0396) and CAP 3C0172 (Docket No. 82C-0397) had been filed by Baus-Krey Associates, Inc., 630 Fifth Ave., New York, NY 10020, and Syntex Ophthalmics, Inc., P.O. Box 39600, Phoenix, AZ 85069, proposing that the color additive regulations be amended to provide for the safe use of D&C Green No. 6 as a color additive in contact lenses. In the Federal Register of January 28, 1983 (48 FR 4051), FDA announced that Polymer Technology Corp., 33 Industrial Way, Wilmington, MA 01887, had also petitioned (CAP 3C0184; Docket No. 82C-0399) the agency to approve the use of D&C Green No. 6 in contact lenses. The petitions were filed under section 706 of the Federal Food, and Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

I. The Color Additive

In the Federal Register of December 28, 1962 (27 FR 12828), FDA issued a final rule listing D&C Green No. 6 for coloring polyethylene terephthalate surgical sutures, including sutures for ophthalmic use (21 CFR 74.1206). FDA issued this regulation in response to color additive petition CAP 2C0004. In the Federal Register of April 25, 1975 (40 FR 18167), FDA amended § 74.1206 to provide for the use of D&C Green No. 6 in coloring polyglycolic acid surgical sutures, including sutures for ophthalmic use, as a result of a second petition (CAP 2C0104).

In the Federal Register of April 2, 1982 (47 FR 14138) FDA issued a final rule listing D&C Green No. 6 for use in externally applied drugs (21 CFR 74.1206) and cosmetics (21 CFR 74.2206). The preamble to the April 2, 1982 final rule provides a detailed account of the safety and regulatory history of D&C Green No. 6.

D&C Green No. 6 is principally 1,4-bis[(4-methylphenyl)amino]-9,10-anthracenedione (CAS Reg. No. 128-80-3). This material is formed by chemically reacting 1 molecule of quinizarin with 2 molecules of *p*-toluidine. Because no chemical reaction can be controlled to react all the starting materials and produce only the desired product, the resulting reaction mixture will contain some unreacted quinizarin and *p*-toluidine. This fact is significant because Weisburger, et al., have demonstrated that *p*-toluidine is a carcinogen in mice (Ref. 1).

Residual amounts of reactants, such as *p*-toluidine and other manufacturing aids, are commonly found among the constituents of many color additives. The presence of such impurities is not

unique to color additives, however. Numerous contaminants are unavoidably present in all chemical products, even in highly purified reagent grade chemicals.

II. Applicability of the Act

With the passage of the Medical Device Amendments of 1976 (Pub. L. 94-295), Congress mandated the listing of color additives for use in or on medical devices where the color additive comes in direct contact with the body for a significant period of time (21 U.S.C. 376(a)). The petitioned for use of D&C Green No. 6 is subject to this listing requirement. D&C Green No. 6 is added to these contact lenses in such a way that at least some of the color additive will come in contact with the eye and the fluids of the eye when the lenses are worn. In addition, the lenses are intended to be placed in the eye for several hours a day each day for 1 year or more. Thus, the color additive will come in direct contact with the body for a significant period of time.

III. The Use of D&C Green No. 6 in Contact Lenses

Only a small amount of a color additive is required to tint contact lenses. For the lenses in the petitions currently before the agency, the levels of D&C Green No. 6 used range from about 0.005 percent to 0.03 percent. For lenses weighing 40 milligrams each (the weight of the heaviest lens in the petitions), if a lens is tinted with 0.03 percent of D&C Green No. 6, there would be approximately 12 micrograms of D&C Green No. 6 in each lens or approximately 24 micrograms in a pair of lenses. If all the color additive migrated to the eye from the lens in 1 year, the average lifetime for a pair of contact lenses, the wearer would be exposed to 0.066 microgram of D&C Green No. 6 per day. In listing D&C Green No. 6 for external drug and cosmetic use, FDA estimated that the potential daily topical human exposure to this color was approximately 200 micrograms per day.

IV. Analysis of Data

A. Safety of D&C Green No. 6. Under section 706(b)(4) of the act (21 U.S.C. 376(b)(4)), the so-called "general safety clause" for color additives, a color additive cannot be listed for a particular use unless the data presented to FDA establish that the color is safe for that use. Although what is meant by "safe" is not explained in the general safety clause, the legislative history of the Color Additive Amendments of 1960 (Pub. L. 86-618) makes clear that this

word is to have the same meaning for color additives as for food additives.

"Safety" is defined in the legislative history of the Food Additives Amendment of 1958 as a "reasonable certainty that no harm will result from the proposed use of an additive. It does not—and cannot—require proof beyond any possible doubt that no harm will result under any conceivable circumstance." S. Rep. No. 2422, 85th Cong., 2d Sess. 6 (1958). This concept of safety is incorporated in FDA's color additive regulations (21 CFR 70.3(i)). In addition, the anticancer or Delaney Clause of the color additive provisions [section 706(b)(5)(B) of the act (21 U.S.C. 376(b)(5)(B))] provides that a noningested color additive shall be deemed unsafe if it is found after tests that are appropriate for evaluating the safety of the additive for such use to cause cancer in man or animals.

The petitioners have submitted the results of several studies to establish that there is a reasonable certainty of no harm from use of D&C Green No. 6 in contact lenses. These studies include cytotoxicity studies with the color additive, acute eye irritation studies in rabbits with extracts from the tinted lenses, and clinical studies in humans with the tinted contact lenses. In addition to these data, in assessing the safety of this use of the color additive, the agency has considered the safety data previously submitted to support listing of D&C Green No. 6 for use in external drugs and cosmetics and in sutures, including ophthalmic sutures. In the preamble to the final rule listing D&C Green No. 6 for external drug and cosmetic use, the agency stated that the sponsor had not submitted sufficient information to support the listing of the color additive for eye area use [47 FR 14138, 14139]. Although the agency has now determined that the available data support the safety of the color additive for use in contact lenses, this fact does not alter FDA's finding that the data are not sufficient to establish the safety of use of D&C Green No. 6 in coloring drugs and cosmetics for eye area use. The latter use would subject the eye to substantially higher levels of the color additive than would use in contact lenses.

Although D&C Green No. 6 itself has not been shown to cause cancer, it does contain a carcinogenic impurity. For the reasons discussed in the preamble to the April 2, 1982 final rule listing D&C Green No. 6 for use in externally applied drugs and cosmetics, FDA has concluded that in determining whether the use of a color additive that has not been shown to cause cancer, but that does contain a

carcinogenic impurity, is safe, the agency can rely in part on its calculations of the upper limit of risk from lifetime exposure to the carcinogenic impurity. (See 47 FR 14140-14145.) Evaluation of the risk from exposure to *p*-toluidine from uses of color additives in which *p*-toluidine is an impurity has two parts: (1) An assessment of probable exposure to *p*-toluidine from all uses of such color additives and (2) an extrapolation of the risk from *p*-toluidine observed in the animal bioassay (Ref. 1) to the conditions of probable exposure for humans [47 FR 14143].

B. Prior FDA Actions on D&C Green No. 6 and Other Color Additives Containing *p*-Toluidine. FDA has permanently listed six color additives in which *p*-toluidine is present or expected to be present in very small amounts as an impurity: D&C Violet No. 2 (21 CFR 74.1602, 74.2602, 82.1802); Ext. D&C Violet No. 2 (21 CFR 74.2602a); D&C Green No. 6 (21 CFR 74.1206); D&C Green No. 5 (21 CFR 74.1205); and D&C Red No. 6 (21 CFR 74.1306, 74.2306) and D&C Red No. 7 (21 CFR 74.1307, 73.2307). In the preambles to the final rules listing D&C Green No. 5 (47 FR 24278; June 4, 1982), D&C Green No. 6 (47 FR 14138; April 2, 1982), and D&C Red No. 6 and D&C Red No. 7 (47 FR 57681; December 28, 1982), FDA used two quantitative risk assessment procedures to extrapolate from the dietary dose in the animal experiment to the very low levels of human exposure. Neither of these procedures are likely to underestimate the actual risk from very low levels of exposure. Each procedure serves as a basis for the agency to determine to a reasonable certainty whether any harm will result from the possible exposure to *p*-toluidine from the use of these color additives.

In the D&C Green No. 6 rulemaking proceeding, FDA assessed the upper limit of lifetime risk from oral exposure to *p*-toluidine from use of D&C Green No. 6 to be less than 1 in 15 million to less than 1 in 150 million. Likewise, for D&C Green No. 5, FDA calculated that the upper limit lifetime risk from oral exposure to *p*-toluidine as a result of use of this color additive to be less than 1 in 30 million to less than 1 in 300 million. FDA has calculated that the upper limit lifetime risk from oral exposure to *p*-toluidine from use of D&C Red No. 6 and D&C Red No. 7 is less than 1 in 50 million to less than 1 in 500 million.

Detailed risk assessment analyses have not been performed for possible exposure to *p*-toluidine from the use of Ext. D&C Violet No. 2 or D&C Violet No. 2. However, FDA estimates the exposure

to *p*-toluidine from the use of these color additives is in the same range as with D&C Green No. 6, because use limitations and specifications are similar, providing approximately the same level of risk.

As the agency stated in the final rule on D&C Red No. 6 and D&C Red No. 7, the upper limit of combined risk from the use of these six color additives is so low that the exposure to *p*-toluidine from the use of these color additives is safe.

C. Assessment of Risk from Exposure to *p*-Toluidine from Proposed Use of D&C Green No. 7. Based on the data submitted in the petitions for use of D&C Green No. 6 in contact lenses and other relevant information, FDA has made a risk analysis on the potential human exposure to *p*-toluidine. FDA based this calculation on the highest requested level of 0.03 percent by weight of D&C Green No. 6 in each of two contact lenses. Thus, as stated above, a 40 milligram contact lens, the heaviest lens included in the petitions, would contain 12 micrograms of D&C Green No. 6. Data on the amount of *p*-toluidine in D&C Green No. 6 indicate that the color additive would generally contain no more than 500 parts per million of *p*-toluidine. (See discussion of specifications for D&C Green No. 6 at 47 FR 14145.) Thus, the 24 micrograms of D&C Green No. 6 contained in two contact lenses tinted at 0.03 percent with D&C Green No. 6 would generally contain no more than 12 nanograms of *p*-toluidine. In its risk analysis, the agency assumed that a wearer would be exposed to and absorb 100 percent of the *p*-toluidine in a pair of lenses in 1 year. It was also assumed that chronic systemic exposure to D&C Green No. 6 via ocular route presents the same systemic risk as chronic dietary exposure. However, the agency chose the 1-year period because it is the average replacement rate for a pair of contact lenses.

On the basis of these premises, FDA has calculated that the upper limit of lifetime risk from exposure to *p*-toluidine from the use of D&C Green No. 6 in contact lenses is less than 1 in 10 billion. This amount of exposure to *p*-toluidine and the resulting level of risk is trivial and would not add in any appreciable way to the risk presented by other uses of D&C Green No. 6 or by use of other approved color additives that contain *p*-toluidine impurities.

V. Conclusion

Based upon the available toxicity data including the results of clinical trials, the low level of the color additive added to

the contact lens, the agency's exposure calculation, and the extremely low risk for *p*-toluidine, FDA finds that the color additive D&C Green No. 6 is safe for use in contact lenses at the levels requested in the petitions.

In accordance with § 71.15(a) (21 CFR 71.15(a)), the petitions and the documents that FDA considered and relied upon in reaching its decision to approve the petitions are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 71.15(b), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

This document adds a new Subpart D to 21 CFR Part 74 that provides for listing certified color additives for use in or on medical devices. In a future issue of the *Federal Register*, FDA will add to Subpart D medical devices currently listed in Subpart B—Drugs (e.g., sutures which are now medical devices, but which were regulated as drugs before the passage of the Medical Device Amendments).

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

Reference

The following information has been put on file at the Dockets Management Branch (address above) and is available for review in that office between 9 a.m. and 4 p.m., Monday through Friday.

1. Weisburger, E. K., et al., "Testing of Twenty-one Environmental Aromatic Amines or Derivatives for Long-Term Toxicity or Carcinogenicity," *Journal of Environmental Pathology and Toxicology*, 2:325-356, 1978.

List of Subjects in 21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371(e), 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 74 is amended by adding a new Subpart D, to read as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

Subpart D—Medical Devices

§ 74.3206 D&C Green No. 6.

(a) *Identity.* The color additive D&C Green No. 6 shall conform to the identity requirements of § 74.1206(a).

(b) *Specifications.* The color additive D&C Green No. 6 for use in contact lenses shall conform to the specifications of § 74.1206(b)(2).

(c) *Uses and restrictions.* (1) The color additive D&C Green No. 6 may be safely used to color contact lenses at levels not to exceed .03 percent by weight of the contact lens material.

(2) Authorization for this use shall not be construed as waiving any of the requirements of sections 510(k) and 515 of the Federal Food, Drug, and Cosmetic Act with respect to the contact lens in which D&C Green No. 6 is used.

(d) *Labeling.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(e) *Certification.* All batches of D&C Green No. 6 shall be certified in accordance with regulations in Part 80 of this chapter.

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 28, 1983 submit to the Dockets Management Branch (address above) written objection thereto. Objections shall show how the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issue for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 29, 1983, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the *Federal Register*.

(Secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371(e), 376))

Dated: March 21, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-7704 Filed 3-22-83; 10:47 am]

BILLING CODE 4160-01-M

21 CFR Parts 74, 81, and 82

[Docket No. 82N-0378]

Provisional Listing of D&C Red No. 6 and D&C Red No. 7; Postponement of Closing Date and Stay of Effectiveness

AGENCY: Food and Drug Administration.

ACTION: Final rule; stay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Red No. 6 and D&C Red No. 7 for general use as a color additive in drugs and cosmetics, except for use in the area of the eye. FDA is establishing a new closing date for D&C Red No. 6 and D&C Red No. 7 to give the agency time to complete evaluation of an objection received in response to the final regulation approving the petition for the permanent listing of D&C Red No. 6 and D&C Red No. 7. The regulation that permanently lists D&C Red No. 6 and D&C Red No. 7 and that removes them from the provisional list is stayed until the agency takes final action on the objection.

DATES: Effective March 29, 1983; the new closing date for D&C Red No. 6 and D&C Red No. 7 will be May 31, 1983.

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

SUPPLEMENTARY INFORMATION: FDA established the current closing date of March 29, 1983, for the provisional listing of D&C Red No. 6 and D&C Red No. 7 in a regulation published in the *Federal Register* of December 28, 1982 (47 FR 57681). The agency established the March 29, 1983 closing date for D&C Red No. 6 and D&C Red No. 7 to provide time for receipt and evaluation of any objections to the final regulation approving the petition for permanent listing of these color additives.

After the review and evaluation of the data relevant to the color additive petition to list D&C Red No. 6 and D&C Red No. 7 for use in drugs and cosmetics, the agency concluded that D&C Red No. 6 and D&C Red No. 7 were safe for general use in drugs and

cosmetics, except for use in the area of the eye. Therefore, FDA issued a regulation in the Federal Register of December 28, 1982 (47 FR 57681) that would permanently list D&C Red No. 6 and D&C Red No. 7. FDA stated that the regulation would become effective on January 28, 1983, unless stayed by the filing of proper objections.

FDA has received an objection to the listing regulation. Because of the objection, under section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 371(e)(2), the regulation [47 FR 57681] that permanently lists D&C Red No. 6 and D&C Red No. 7 and that removes these color additives from the provisional list is stayed until the agency can rule upon the objection. FDA expects that the agency will need only a brief time to complete the evaluation of the objection and publish a final decision concerning it in the Federal Register. Therefore, FDA concludes that a brief postponement is necessary. The regulation set forth below will postpone the March 29, 1983 closing date for provisional listing of D&C Red No. 6 and D&C Red No. 7 until May 31, 1983.

Because the current closing date expires on March 29, 1983, FDA has concluded that the use of a notice and public procedure on this regulation is impracticable. Thus, good cause exists for issuing the postponement as a final rule. Moreover, this action is consistent with the protection of the public health because the agency has previously concluded that D&C Red No. 6 and D&C Red No. 7 are safe for their intended use under the Color Additive Amendments of 1960. This regulation will permit the uninterrupted use of these color additives until May 31, 1983. To prevent any interruption in the provisional listing of D&C Red No. 6 and D&C Red No. 7, and in accordance with 5 U.S.C. 553(d) (1) and (3), this regulation is being made effective on March 29, 1983.

List of Subjects

21 CFR Part 74

Color additives, Color additives subject to certification, Cosmetics, Drugs.

21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

21 CFR Part 82

Color additives, Color additive lakes, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act [secs. 701(e) 706

(b), (c), and (d), 70 Stat. 919 as amended, 74 Stat. 399-403 (21 U.S.C. 371(e), 376 (b), (c), and (d))] and the Transitional Provisions of the Color Additive Amendments (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Chapter I of Title 21 of the Code of Federal Regulations (as amended in the Federal Register of December 28, 1982 (47 FR 57681)) is amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. Part 74 is amended:

§ 74.1306 [Stayed]

a. By staying § 74.1306 D&C Red No. 6.

§ 74.1307 [Stayed]

b. By staying § 74.1307 D&C Red No. 7.

§ 74.2306 [Stayed]

c. By staying § 74.2306 D&C Red No. 6.

§ 74.2307 [Stayed]

d. By staying § 74.2307 D&C Red No. 7.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

2. Part 81 is amended as follows:

§ 81.1 [Amended]

a. In § 81.1 Provisional lists of color additives, the amendment in paragraph (b) to remove the entries "D&C Red No. 6" and "D&C Red No. 7" is stayed, and their closing date is revised to read "May 31, 1983."

§ 81.27 [Amended]

b. In § 81.27 Conditions of provisional listing, the amendment in paragraph (d) to remove the entries for "D&C Red No. 6" and "D&C Red No. 7" is stayed, and the closing date for the entries is revised to read "May 31, 1983."

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

3. Part 82 is amended:

§ 82.1306 [Stayed]

a. By staying § 82.1306 D&C Red No. 6.

§ 82.1307 [Stayed]

b. By staying § 82.1307 D&C Red No. 7. *Effective date.* This regulation is effective March 29, 1983.

(Secs. 701(e), 706 (b), (c), and (d), 70 Stat. 919

as amended, 74 Stat. 399-403 (21 U.S.C. 371(e), 376 (b), (c), and (d)); [sec. 203, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376, note)]

Dated: March 16, 1983.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 83-7742 Filed 3-28-83; 8:55 am]

BILLING CODE 4160-01-M

21 CFR Parts 131, 135, and 166

Food for Human Consumption; Editorial Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Food and Drug Administration (FDA) is amending various regulations to correct editorial errors.

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: FDA believes that two of the editorial corrections should be explained because they appear to be substantive changes when, in reality, they are not. The first error first appeared in FR Doc. 74-24082 at page 42353 in the Federal Register of December 5, 1974, in which carriers for vitamins A and D were permitted, under paragraph (c)(1) of § 131.115, as safe and suitable optional ingredients. FDA never intended to permit carriers for vitamin A as safe and suitable optional ingredients. The reference to carriers for vitamin A is obviously in error and is meaningfully because vitamin A is not even referred to in paragraph (b), *vitamin addition (optional)*, or paragraph (e), *nomenclature* and therefore is not part of the standard. This notice corrects the error and potential confusion by deleting the reference to vitamin A in paragraph (c)(1) of § 131.115.

The second error first appeared in FR Doc. 78-2967 at page 4596 in the Federal Register of February 3, 1978, in which there appeared a contradiction between the text and the table in paragraph (a)(4) of § 135.120. In the text, it is stated that nonfat milk solids content cannot be less than 7 percent, while in the table immediately following the minimum is set at 4 percent, which is the correct amount. This notice corrects the text to provide for a minimum of 4 percent nonfat milk solids content.

List of Subjects

21 CFR Part 131

Cream, Food standards, Milk, Yogurt.

21 CFR Part 135

Frozen desserts, Food standards, Ice cream.

21 CFR Part 166

Food standards, Margarine.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), 21 CFR, Subchapter B, is amended as follows:

PART 131—MILK AND CREAM

1. In Part 131:

a. In § 131.115 Concentrated milk, paragraph (c)(1), by changing "Carriers for vitamins A and D" to "Carrier for vitamin D." (The error first appeared in FR Doc. 77-7048 at page 14361 in the Federal Register of Tuesday, March 15, 1977.)

b. In § 131.123 Lowfat dry milk, paragraph (e)(1), by changing "percent" to "%".

c. In § 131.149 Dry cream, paragraph (d)(1), by changing "percent" to "%".

PART 135—FROZEN DESSERTS

2. In Part 135, in § 135.120 Ice milk, first sentence in paragraph (a)(4), by changing "7 percent" to "4 percent". (The error first appeared in FR Doc. 78-2967 at page 4596 in the Federal Register of Friday, February 3, 1978.)

PART 166—MARGARINE

3. In Part 166, in § 166.110 Margarine, paragraph (a), by changing ". . . prescribed under section 16.163, 'Indirect Method,' of the 'Official Methods of Analysis of the Association of Official Analytical Chemists,' 11th Ed. (1970)" to read ". . . prescribed under section 16.206 of the 'Indirect Method,' in 'Official Methods of Analysis of the Association of Official Analytical Chemists,' 13th Ed. (1980)."

Effective date: March 29, 1983.

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

Dated: March 18, 1983.

William F. Randolph,

Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 83-7941 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 211

[Docket No. 80N-0291]

**Current Good Manufacturing Practice
in Manufacture, Processing, Packing,
or Holding; Reduction of Reserve
Sample Requirements for Radioactive
Drugs**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the current good manufacturing practice (CGMP) regulations for human and veterinary drugs by reducing the time that reserve samples of radioactive drugs containing radionuclides are required to be retained by manufacturers and by exempting reserve samples of these drug products from the annual visual examination requirement. This action is being taken because the current requirements concerning reserve samples are unnecessary to ensure the quality of certain radioactive drugs that typically have short expiration dating periods because of the rapid rate of radioactive decay.

DATE: Effective April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Clifford G. Broker (HFN-323), 301-443-5307, or Robert J. Meyer (HFN-7), 301-443-5220, National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

SUPPLEMENTARY INFORMATION: Section 211.170 of the CGMP regulations (21 CFR 211.170) requires that a reserve sample representative of each lot in each shipment of each active ingredient be retained for at least 1 year after the expiration date of the last lot of the drug product containing the active ingredient and, further, that a reserve sample representative of each lot or batch of the drug product be retained for at least 1 year after the expiration date of the drug product. In addition, reserve samples of drug products are to be at least visually examined annually for evidence of deterioration unless such examination would affect the integrity of the samples.

In the Federal Register of November 28, 1980 (45 FR 79089), FDA proposed to amend the CGMP regulations by specifying that the retention period be 3 months for reserve samples of radioactive drugs with an expiration dating period of 30 days or less and 6 months for radioactive drugs with an expiration dating period of more than 30 days. The agency specifically requested comments on its proposed retention period of 6 months. FDA also proposed

to exempt radioactive drug products from the requirement for evidence of deterioration. Under the proposal, nonradioactive reagent kits, which do not contain radionuclides, but are defined as "radioactive drugs" under § 310.3(n) (21 CFR 310.3(n)) for other purposes of regulating radiopharmaceuticals, were not included in the proposed exemption.

The agency received comments from a drug manufacturer and an educational organization. Both commentors supported the proposal and found the proposed 6-month retention period satisfactory. In addition, the drug manufacturer recommended the retention time period be expressed as some multiple of the half-life of the specific radionuclide (e.g., 2.5 times the half-life).

The agency has not incorporated the manufacturer's suggestion into the final rule. The agency notes that the range of half-lives of radionuclides presently used in nuclear medicine extends from 6 hours to 271 days. The application of the manufacturer's suggested multiple (2.5) results in a range of sample retention time periods extending from 15 hours to 677 days. Retention periods at the low end of this range, i.e., those measured in hours, would provide little practical time for surveillance of reserve samples; those at the high end require unnecessarily long surveillance periods given the time in which they must be used. Therefore, the agency has decided that the manufacturer's recommendation does not provide a useful criterion for calculating reserve sample retention time periods for radioactive drugs.

The agency has considered the economic consequences of this rulemaking and has determined that it does not require a regulatory impact analysis, as specified in Executive Order 12291. Specifically, the final rule amends the current good manufacturing practice regulations for human and veterinary drugs by reducing the time that reserve samples of radioactive drugs containing radionuclides are required to be retained by the manufacturer, and by exempting reserve samples from the annual visual examination requirement. The agency believes that the final rule will relieve a regulatory burden on the industry and eliminate the cost associated with the requirement for manufacturers of these drugs. Therefore, the agency concludes that the final rule is not a "major" rule as defined in Executive Order 12291. The requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act does not apply to this final rule because

the proposed rule was issued prior to January 1, 1981, and is therefore exempt.

List of Subjects in 21 CFR Part 211

Drugs, Manufacturing, Labeling, Laboratories, Packaging and containers, Warehouses.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 505, 512, 701, 52 Stat. 1049-1053 as amended, 1055-1056 as amended, 82 Stat. 343-351 (21 U.S.C. 351, 352, 355, 360b, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 211 is amended by revising § 211.170 to read as follows:

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

§ 211.170 Reserve samples.

(a) An appropriately identified reserve sample that is representative of each lot in each shipment of each active ingredient shall be retained. The reserve sample consists of at least twice the quantity necessary for all tests required to determine whether the active ingredient meets its established specifications, except for sterility and pyrogen testing. The retention time is as follows:

(1) For an active ingredient in a drug product other than those described in paragraphs (a) (2) and (3) of this section, the reserve sample shall be retained for 1 year after the expiration date of the last lot of the drug product containing the active ingredient.

(2) For an active ingredient in a radioactive drug product, except for nonradioactive reagent kits, the reserve sample shall be retained for:

(i) Three months after the expiration date of the last lot of the drug product containing the active ingredient if the expiration dating period of the drug product is 30 days or less; or

(ii) Six months after the expiration date of the last lot of the drug product containing the active ingredient if the expiration dating period of the drug product is more than 30 days.

(3) For an active ingredient in an OTC drug product that is exempt from bearing an expiration date under § 211.137, the reserve sample shall be retained for 3 years after distribution of the last lot of the drug product containing the active ingredient.

(b) An appropriately identified reserve sample that is representative of each lot or batch of drug product shall be retained and stored under conditions consistent with product labeling. The reserve sample shall be stored in the same immediate container-closure

system in which the drug product is marketed or in one that has essentially the same characteristics. The reserve sample consists of at least twice the quantity necessary to perform all the required tests, except those for sterility and pyrogens. Reserve samples, except those drug products described in paragraph (b)(2), shall be examined visually at least once a year for evidence of deterioration unless visual examination would affect the integrity of the reserve samples. Any evidence of reserve sample deterioration shall be investigated in accordance with § 211.192. The results of the examination shall be recorded and maintained with other stability data on the drug product. Reserve samples of compressed medical gases need not be retained. The retention time is as follows:

(1) For a drug product other than those described in paragraphs (b) (2) and (3) of this section, the reserve sample shall be retained for 1 year after the expiration date of the drug product.

(2) For a radioactive drug product, except for nonradioactive reagent kits, the reserve sample shall be retained for:

(i) Three months after the expiration date of the drug product if the expiration dating period of the drug product is 30 days or less; or

(ii) Six months after the expiration date of the drug product if the expiration dating period of the drug product is more than 30 days.

(3) For an OTC drug product that is exempt from bearing an expiration date under § 211.137, the reserve sample must be retained for 3 years after the lot or batch of drug product is distributed.

Effective date: This regulation is effective April 28, 1983.

(Secs. 501, 502, 505, 512, 701, 52 Stat. 1049-1053 as amended, 1055-1056 as amended, 82 Stat. 343-351 (21 U.S.C. 351, 352, 355, 360b, 371))

Dated: February 23, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-7935 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 610, 620, 630, 640, 660, and 680

Biological Products; Editorial Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending various biologics regulations to correct editorial errors.

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Albert Rothschild, National Center for Drugs and Biologics (HFN-813), Food and Drug Administration, 8800 Rockville Pike, Rockville, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: This document corrects several editorial errors in the biologics regulations.

List of Subjects

21 CFR Part 610

Biologics, Labeling.

21 CFR Part 620 and 630

Biologics.

21 CFR Part 640

Blood.

21 CFR Part 660

Biologics, Labeling.

21 CFR Part 680

Biologics, Blood.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))), and under authority delegated to the Commissioner (21 CFR 5.10), 21 CFR Subchapter F, is amended as follows:

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

§ 610.15 [Amended]

1. In § 610.15 *Constituent materials*, in the introductory text of paragraph (a), by changing the words "Polio Virus" to read "Poliovirus".

PART 620—ADDITIONAL STANDARDS FOR BACTERIAL PRODUCTS

§ 620.6 [Amended]

2. In § 620.6 *General requirements*, paragraph (h), by changing the name "Bureau of Biologics" to "Office of Biologics".

§ 620.24 [Amended]

3. In § 620.24 *General requirements*, paragraph (c), by changing the name "Bureau of Biologics" to "Office of Biologics".

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

§ 630.17 [Amended]

4. In § 630.17 *General requirements*, paragraph (e), by changing the name "Bureau of Biologics" to "Office of Biologics".

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

§ 640.30 [Amended]

5. In § 640.30 *Single Donor Plasma (Human)*, paragraph (b)(1), by changing "frm" to "from".

§ 640.34 [Amended]

6. In § 640.34 *Proessing*, paragraph (d) in the third sentence, by changing "cubic milliliter" to "microliter".

§ 640.50 [Amended]

7. In § 640.50 *Cryoprecipitated Antihemophilic Factor (Human)*, paragraph (b), by changing "Antihemophili" to "Antihemophilic."

§ 640.101 [Amended]

8. In § 640.101 *Red Blood Cells (Human)*, paragraph (f), by changing the name "Bureau of Biologics" to "Office of Biologics".

PART 660—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS

§ 660.21 [Amended]

9. In § 660.21 *Processing*, paragraph (a)(4), by inserting "lot" after "Each" in the first sentence; in paragraph (f), by changing "Bureau of Biologics" to "Office of Biologics".

§ 660.22 [Amended]

10. In § 660.22 *Reference preparations*, by removing the hyphen over the "e" in "Anti-e".

§ 660.24 [Amended]

11. In § 660.24 *Potency test with reference preparations*:
 a. In paragraph (a)(3)(ii) by changing "certifuge" to "centrifuge".
 b. In paragraph (b)(1)(ii) by removing the hyphen over the "e" in "Anti-e".

§ 660.25 [Amended]

12. In § 660.25 *Potency test without reference preparations*:
 a. In paragraph (a)(5)(i), by placing a hyphen over the "k" in "Anti-k".
 b. In paragraph (a)(5)(ii), by placing a hyphen over the "s" in "Anti-s", and placing a hyphen over the "c" in "Anti-c".

§ 660.26 [Amended]

13. In § 660.26 *Specificity tests*:
 a. In paragraph (b)(1):
 (1) by changing "Anti-A²³" to read "Anti-A", and by changing the corresponding cells to be tested to read "A₁, A₂B, B, O".
 (2) By changing "Anti-C" corresponding cells "C+rh₁ neg. cells" to read "C+rh₁ negative cells".

(3) By changing "Anti-e" to read "Anti-ē".

b. In paragraph (c)(1), by placing a hyphen over "k" and "s", and by removing the hyphen over "e".

§ 660.27 [Amended]

14. In § 660.27 *Aridity test*:
 a. In the introductory text of paragraph (b), by changing "Anti-c" to read "Anti-c̄".

b. In paragraph (b)(5), by changing "Anti-ē" to read "Anti-e".

§ 660.28 [Amended]

15. In § 660.28 *Labeling*:
 a. In paragraph (a)(1), by changing "Anti-ē" to read "Anti-e".
 b. In paragraph (d):
 (1) By changing the optional synonym for "Anti-CD" to read "(Anti-RH₀)".
 (2) By changing "Anti-ē" to read "Anti-e".
 (3) By changing the optional synonym for "Anti-C*" to read "Anti-rh^w".

§ 660.33 [Amended]

16. In § 660.33 *Testing of source material*, in the last sentence by removing the hyphen over "e", and by placing a hyphen over "k" and "s".

§ 660.36 [Amended]

17. In § 660.36 *Samples and protocols*, paragraphs (a) and (b), by changing "Bureau of Biologics" to "Office of Biologics".

PART 680—ADDITIONAL STANDARDS FOR MISCELLANEOUS PRODUCTS

§ 680.21 [Amended]

18. In § 680.21 *Reference preparations*, by changing "Bureau of Biologics" to "Office of Biologics" and by changing the zip code "20014" to "20205".

§ 680.24 [Amended]

19. In § 680.24 *General requirements*, paragraph (e), by changing "Bureau of Biologics" to "Office of Biologics".

§ 680.26 [Amended]

20. In § 680.26 *Samples; protocols; official release*, in the introductory text by changing "Bureau of Biologics" to "Office of Biologics" and by changing the zip code "20014" to "20205" and in paragraph (c) by changing "Bureau of biologics" to "Office of Biologics".

Effective date. March 29, 1983.
 (Sec. 701(a), 52 Stat. 1055 [21 U.S.C. 371(a)])
 Dated: March 18, 1983.

William F. Randolph,
 Acting Associate Commissioner for
 Regulatory Affairs.

[FR Doc. 83-7940 Filed 3-28-83; 8:45 a.m.]
 BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. RI-693; A-1-FRL 2305-4]

Approval and Promulgation of Implementation Plans; Rhode Island; Energy Initiative

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan revisions submitted by the State of Rhode Island. These provisions provide temporary variances from sulfur-in-fuel and particulate emission limitations for small fuel burning sources which commit to convert to a fuel other than oil, to establish permanent energy conservation measures, or to bubble allowable emissions. The intended effect of this action is to provide cost-effective energy alternatives to Rhode Island sources with only a minimal increase in emissions, while assuring no violations of the National Ambient Air Quality Standards (NAAQS).

EFFECTIVE DATE: March 29, 1983.

ADDRESSES: Copies of the submittal are available for public inspection at Room 2111, JFK Federal Building, Boston, MA 02208; Public Information Reference Unit, EPA Library, 401 M Street, SW., Washington, D.C. 20460; Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408 and the Division of Air and Hazardous Materials, Room 204, 75 Davis Street, Providence, RI 02908.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, (617) 223-5130.

SUPPLEMENTARY INFORMATION: On January 4, 1983 (48 FR 274), EPA published a Notice of Proposed Rulemaking (NPR) for revisions to Rhode Island's Regulation 8, "Sulfur Content of Fuels," and Regulation 13, "Particulate Emissions from Fossil Fuel Fired Steam or Hot Water Generating Units." These amendments allow small fuel burning sources (less than 250 million Btu per hour) temporary variances from sulfur-in-fuel and particulate emission limitations in order to effect energy conservation or conversion measures or to bubble emissions to achieve a cost-effective control strategy. The requirements and conditions of the regulations being approved today and EPA's reasons for approving these revisions were discussed in the NPR. Since no public comment was received on that action,

EPA's reasons for the approval will not be repeated here.

Action

EPA is approving revisions to Regulations 8 and 13 submitted on November 9, 1982.

EPA finds good cause for making this action effective immediately because the implementation plan revisions are already in effect under State law and the EPA approval imposes no additional regulatory burdens.

In the NPR, EPA proposed approval of all individual sources which are later determined to meet the eligibility requirements of the new regulations and set forth the procedures by which EPA will conduct its proposed rulemaking process for individual sources concurrent with the State's review process. Therefore, this notice does not give final approval to individual sources which meet the eligibility requirements of the new regulation. Before final approval, these sources must be processed in accordance with the concurrent State/EPA procedures set forth in the NPR. Individual SIP revisions for each eligible source will be submitted to EPA by Rhode Island at some future date at which time EPA will proceed to final rulemaking for these individual sources.

EPA specifically solicited comments in the NPR on this new parallel, concurrent State/EPA processing of individual sources since it is a departure from EPA's usual procedure of conducting a separate, proposed rulemaking only after the State has completed its review and determination for each source requesting a relaxation of the sulfur-in-fuel limitation. No comments were received concerning this new approach. EPA believes that this new approach is a significant regulatory reform which will substantially reduce the time required to complete the SIP revision process for these sources.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today).

This action may not be challenged later in proceedings to enforce its requirements (see sec. 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

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

Dated: March 21, 1983.

John W. Hernandez,
Acting Administrator.

PART 52—[AMENDED]

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

Subpart 00—Rhode Island

1. Section 52.2070 is amended by adding paragraph (c)(17) as follows:

§ 52.2070 Identification of plan.

(c) * * *

(17) Revisions to Regulations 8, "Sulfur Content of Fuels" and 13, "Particulate Emissions from Fossil Fuel Fired Steam or Hot Water Generating Units" were submitted on November 9, 1982 by the Division of Air and Hazardous Materials.

[FR Doc. 83-9060 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 123 and 262

Hazardous Waste Management System; State Program Requirements; Standards Applicable to Generators of Hazardous Waste; International Shipments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical Amendments.

SUMMARY: In regulations promulgated on February 26, 1980 and May 19, 1980, EPA established standards for generators of hazardous waste. Included in the standards were requirements for the international shipment of hazardous waste. In this action, EPA amends the international shipment requirements to make a minor technical correction. The Agency is today correcting the address to which the export notice must be sent.

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline toll-free at (800) 424-9346 or at (202) 382-3000. Debra Wolpe 382-2222.

SUPPLEMENTARY INFORMATION:

Background

EPA has established standards for managing hazardous waste, in regulations under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery

Act of 1976, as amended (RCRA), 42 U.S.C. 6901 *et seq.* These standards include certain requirements for generators of hazardous waste who intend to export this waste outside the jurisdiction of the United States, 40 CFR 262.50 (45 FR 12734, February 26, 1980, republished with amendments, 45 FR 33144, May 19, 1980).

Generally these standards require that a generator notify EPA four weeks before exporting a shipment of hazardous waste. EPA then sends the information contained in the generator's notice to the State Department, which in turn forwards it to the government of the receiving country. The purpose of the notice is to ensure that hazardous waste is exported only with the knowledge of the receiving country so that the country can evaluate the significance of the export.

40 CFR 262.50 and 123.34 incorrectly state the address to which the international shipment notices must be sent. The Agency is therefore amending both these sections to reflect the correct address: Office of International Activities (A-106), U.S. Environmental Protection Agency, Washington, D.C. 20460.

The regulations provide that the notice must be sent to EPA Headquarters, not EPA Regional Offices or States authorized under 40 CFR Part 123. EPA Regional Offices are not in a position to notify the Department of State or foreign countries. Thus, all generators must notify the EPA Administrator at the address given above.

Dated: March 21, 1983.

Lee M. Thomas,

Acting Associate Administrator for Solid Waste and Emergency Response.

Parts 262 and 123 of Title 40 of the Code of Federal Regulations are amended as follows:

PART 262—[AMENDED]

1. The authority citation for Part 262 reads as follows:

Authority: Sections 1006, 2002, 3002, 3003, 3004, and 3005, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA) (42 U.S.C. 6905, 6912, 6922, 6923, 6924, 6925).

2. 40 CFR 262.50 is amended by correcting paragraph (b)(1)(iii) to read as follows:

§ 262.50 International shipments.

(b) * * *

(1) * * *

(iii) These notices must be sent to the Office of International Activities (A-106), United States Environmental Protection Agency, Washington, D.C. 20460.

PART 123—[AMENDED]

3. The authority citation for Part 123 reads as follows:

Authority: Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.; Safe Drinking Water Act, 42 U.S.C. 300(f) et seq.; Clean Water Act, 33 U.S.C. 1251 et seq.; unless otherwise noted.

4. 40 CFR 123.34 is amended by correcting the note after paragraph (e) as follows:

§ 123.34 Requirements for generators of hazardous wastes.

(e) * * *

Note.—Such notices shall be mailed to the Office of International Activities (A-106), United States Environmental Protection Agency, Washington, D.C. 20460.

[FR Doc. 83-7857 Filed 3-28-83; 8:45 am]
BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. A-22, Supp. 1]

Use of Contract Airline Service Between Selected City-Pairs

AGENCY: Office of Federal Supply and Services, GSA.

ACTION: Temporary regulations.

SUMMARY: This regulation amends FPMR Temporary Regulation A-22 to provide that airline contract services and fares apply not only to Government employees but also to their dependents who are authorized to travel at Government expense. The contract provision that includes dependents was inadvertently omitted from the original regulation. In addition, this regulation cancels a requirement for Federal agencies to report to the General Services Administration (GSA) certain information pertaining to the use of scheduled airlines by employees and military personnel and their dependents on official travel between city-pairs listed in Federal Travel Directory. GSA has determined that the purposes for which these reports were required can be achieved through other sources.

DATES:

Effective date: March 29, 1983.

Expiration date: September 30, 1983

FOR FURTHER INFORMATION CONTACT: Joseph M. Napoli, Policy Development and Analysis Division (703-557-1256).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more, a major increase in costs to consumers or on others, or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following regulation is added to the appendix at the end of Subchapter A to read as follows:

Ray Kline,

Acting Administrator of General Services.
March 8, 1983.

Federal Property Management Regulations Temporary Regulation A-22, Supplement 1
March 8, 1983.

To: Heads of Federal agencies
Subject: Use of contract airline service between selected city-pairs

1. **Purpose.** This supplement amends the scope of FPMR Temporary Regulation A-22, October 30, 1982 (47 FR 53373, November 26, 1982), set forth in paragraph 5, to include dependents authorized to travel at Government expense. In addition, this supplement cancels the reporting requirement set forth in paragraph 13.

2. **Effective date.** This regulation is effective March 29, 1983.

3. **Expiration date.** This supplement expires September 30, 1983, unless sooner superseded or canceled.

4. **Explanation of changes.**

a. The introductory sentence in paragraph 5 is revised to read as follows: "The extent to which this regulation applies to Government employees and military personnel and their dependents authorized to travel at Government expense is as follows:". The balance of paragraph 5 remains unchanged.

b. Paragraph 13 of FPMR Temporary Regulation A-2 requires Federal agencies to submit three reports in the format illustrated in attachment A of the regulation. The reporting requirement has been assigned interagency report control number 0242-GSA-XX. The General Services Administration has developed alternate methods to obtain the required data in a manner that will provide sufficient information to evaluate the usage of the city-pair contracts by Federal agencies. Accordingly, the reporting requirement is canceled.

5. **Action.** Make the following changes in FPMR Temporary Regulation A-22:

a. Revise the introductory sentence in paragraph 5 to read as shown in 4a, above; and

b. Delete paragraph 13 and attachment A and label them "reserved".

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-8007 Filed 3-28-83; 8:45 am]

BILLING CODE 6820-AM-M

41 CFR Ch. 101

[FPMR Temp. Reg. E-76, Supp. 1]

Acquisition of Systems Furniture

AGENCY: Office of Federal Supply and Services, GSA.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to February 29, 1984, the expiration date of FPMR Temporary Regulation E-76.

DATES:

Effective date: March 1, 1983.

Expiration date: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Dan Rowan, Furniture Commodity Center (703-557-8473).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter E.

Ray Kline,

Acting Administrator of General Services.

Federal Property Management Regulations Temporary Regulation E-76 Supplement 1
March 7, 1983.

To: Heads of Federal agencies

Subject: Acquisition of systems furniture

1. **Purpose.** This supplement extends the expiration date of FPMR Temporary Regulation E-76.

2. **Effective date.** March 1, 1983.

3. *Expiration date.* This supplement expires on February 29, 1984.

4. *Explanation of changes.* The expiration date in paragraph 3 of FPMR Temporary Regulation E-70 is revised to February 29, 1984.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-8009 Filed 3-28-83; 8:45 am]

BILLING CODE 6820-AM-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket Nos. 79-244; RM-3328; RM-2876; FCC 83-57]

Radio Frequency Devices; Operation of a TV Interface Device

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: The Commission adopts final rules for devices that act as an interface between video sources (e.g., personal computers and TV games) and TV receivers. The previously authorized device, called a Class I TV device, is replaced by the TV Interface Device to allow for more flexible rules and relaxed emission limits.

EFFECTIVE DATE: April 28, 1983.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: J. Bertron Withers, Jr., RF Devices Branch, Authorization and Standards Division, Office of Science and Technology, 2025 M Street, NW.—Room 8302, Washington, D.C. 20554, (202) 653-8247.

List of Subjects in 47 CFR Part 15

Communications equipment, Radio.

Report and Order

Adopted: February 9, 1983.

Released: March 4, 1983.

In the matter of Amendment of Part 15 of the Commission Rules to provide for the operation of a TV Interface Device; Gen. Docket 79-244, RM-3328, RM-2876, FCC 83-57.

By the Commission.

I. Introduction

1. In 1972 the Commission adopted the rules in Subpart H of Part 15 to permit the attachment of TV games and similar devices to a TV receiver.¹ The old rules

¹ Report and Order, FCC Docket 1982-1; In the Matter of Amendment of Part 15 of the Commission's Rules to regulate the operation of a

required the complete device (which includes both the RF modulator and video source) to be tested and approved by the Commission. It was defined as a Class I TV Device.² In response to petitions filed by Texas Instruments, Inc. (TI) and RCA Corporation (RCA),³ requesting the Commission to permit a stand-alone RF modulator and to consolidate the Commission's requirements for composite devices, respectively, the Commission initiated this proceeding on September 18, 1979.⁴

2. In the *Notice of Proposed Rule Making (Notice)* in this proceeding, we proposed to replace the definition of Class I TV device in § 15.4(m) of the Commission's Rules with the term TV Interface Device, which would cover any device that attaches to and uses the TV receiver to display video images.⁵ This definition would permit the use of a stand-alone RF modulator, whereas the present Class I TV device definition does not. We also proposed in the *Notice* to relax the emission limits for such devices to coincide with the technical limits recently adopted by the Commission for personal computers.⁶ A number of other changes to Subpart H of Part 15 were also proposed.

3. In general, the proposed Rules, with a few exceptions, are adopted as proposed. A discussion of the comments filed in this proceeding along with our response to them is given below. The eleven parties who filed comments are listed in Appendix A, attached. The new rules adopted herein are in Appendix C, attached. The measurement procedure the Commission will use to test the equipment to determine compliance with the Commission's Rules is given in Appendix B, attached.

4. In addition to filing a petition requesting the Commission to relax the Class I TV device Rules, TI concurrently filed a petition for waiver of the present

Class I TV Device a new restricted radiation device which produces a RF carrier modulated by a TV signal. Adopted December 6, 1972, 38 FCC 2d 430.

² A Class I TV device is defined in § 15.4(m) as a restricted radiation device that produces on frequencies allocated for TV broadcasting, a radio frequency carrier modulated by a video signal and which feeds the modulated RF signal to the TV receiver by wire or cable.

³ The RCA petition was filed on April 6, 1977 and designated RM-2876. The TI petition was filed on February 18, 1979 and designated RM-3328.

⁴ Notice of Proposed Rule Making, FCC General Docket 79-244, FCC 79-558, released October 11, 1979, 44 FR 59570 (1979).

⁵ The number of devices that use the TV receiver as a display device has been steadily increasing. Examples include personal computers, video disc players and video tape recorders, teletext and videotex decoders and TV games. Some of these products include a built-in RF modulator and some depend on connection to a stand-alone RF modulator.

⁶ See 47 CFR Subpart J of Part 15.

rules in Subpart H of Part 15 to allow TI to immediately market its personal computer and separate RF modulator. In response to this petition for waiver, the Commission granted a conditional waiver of the Rules.⁷ The waiver permitted TI to market a TV Interface Device subject to certain conditions, including those set out in the *Notice*. It also granted the Chief Scientist delegated authority to grant similar waivers to other persons willing to meet the same conditions. Since the *Order Granting Waiver in Part* was adopted, approximately 90 such waivers have been granted.

II. Discussion

A. TV Interface Device vs. Class I TV Device

5. As noted above, the *Notice* in this proceeding proposed to replace the Class I TV device rules with a single set of rules for all devices incorporating an RF modulator, including a stand-alone RF modulator. In general, all of the commenters with the exception of Atari supported the proposal to permit stand-alone modulators. In support of the proposal, TI argued that the availability of the TV Interface Device Rules would decrease the cost of personal computer systems to the consumer, since a separate RF modulator would not be needed for each component of the system that feeds a signal to the antenna terminals of the TV receiver.

6. Atari, in its comments, opposed the adoption of the proposed rules on the grounds that since Atari was capable of manufacturing a composite device (one including both the video source plus RF modulator) that complied with the strict Class I TV device requirements, other manufacturers should be capable of doing the same. In our opinion, it is immaterial whether one manufacturer can meet the more stringent requirements for a Class I TV device. The more important issues are whether they are so stringent that the costs to the manufacturer of meeting the Class I TV device requirements are too high and whether the relaxed requirements for the TV Interface Device would be a source of interference to TV reception.

7. As will be shown below, there is nothing in the record to warrant the Commission precluding stand-alone RF modulators, especially since RF modulators already authorized as TV Interface Devices under the waivers granted to TI and others (including Atari) have not resulted in interference complaints. Accordingly, we are revising

⁷ Order Granting Waiver in Part, 73 FCC 2d 720 (1979).

Subpart H of Part 15 to adopt the definition of TV Interface Device. The present rules relating to Class I TV Devices are deleted. Class I TV devices already approved by the Commission are not affected by this action.

B. Emission Limits

8. In the *Notice* we proposed to relax the radiation limits for the TV Interface Device rather than retain the more stringent limits for the Class I TV device. We adopt without change those proposed limits. The comments were generally split between equipment manufacturers like TI and producers of TV receivers such as RCA and GTE, who supported less stringent limitations, and television broadcast interest groups like the Association of Maximum Service Telecasters, Inc. (AMST) and the National Association of Broadcasters (NAB), which opposed the relaxation of emission standards. Atari also opposed the relaxation.

9. Comments submitted by RCA were most representative of the support for the relaxed radiation and conduction limits for the TV Interface Device. RCA emphasized, with support from the Consumer Electronics Group of the Electronic Industries Association (EIA), that the Commission should institute a follow-up program to assess the effectiveness of the new emanation standards in avoiding interference to TV reception. Should such interference arise, RCA pointed out, the Commission would be alerted early-on to persuasive evidence of interference caused by the TV Interface Device. A follow-up program could then be instituted and would reveal the necessary changes (to be implemented through rulemaking) to avoid such interference. AMST suggested in reply that the rulemaking process is too slow to modify the rules to prevent widespread interference, since great numbers of TV Interface Devices would already be in the hands of the public before tighter standards could be instituted.

10. Broadcast interests, represented by NAB and AMST, alleged that the radiation limits we proposed would result in harmful interference to television reception within the Grade B signal contour. AMST argued that in closely spaced dwellings like apartment buildings or townhouses at the outer reaches of the grade B signal contour, interference could be caused when the TV Interface Device is "separated by as much as 100 meters—more than 300 feet" from the victim TV receiver. Atari agreed, stating that for the low-band VHF, a TV receiver in a grade B signal area would have to be separated from the TV Interface Device by more than 200

feet to avoid harmful interference. These arguments are very much like those advanced by these same parties in recommending against the adoption of the very same emissions standards for computers. Those standards were, nevertheless, found adequate to protect television reception and were adopted in the *First Report and Order* in Docket 20780 concerning computing devices.⁹

11. We reject the arguments of Atari and the broadcasters alleging potential interference to TV reception for the same reasons given in the *First Report and Order* as quoted below:

... both Atari and AMST fail to acknowledge the large number of variables in developing such a [radiation] limit. The likelihood of worst case factors occurring at the same time is very small. In addition to the dimensions of time, space and frequency, paragraph 55 of the *First Report* discusses additional factors such as: greater attenuation due to walls and orientation of both the TV antenna and home computers could substantially reduce emissions of computers located closer than 10 meters. . . . Moreover, the population density in areas lying outside of Grade A service contours [i.e. Grade B or beyond] (another parameter in determining the limit) of TV stations there is usually a reduction in population density and viewers are more likely to utilize outdoor antennas. Thus, there should be a low incidence of interference because of reduced population density and the distance separating computers located in homes and outdoor television receiving antennas. (Paragraph 47 of the *Order Granting in Part Reconsideration of the First Report and Order*, 79 FCC 2d 67, 80 [1980].)

12. Further, in actual practice the TV signal in the Grade B contour has been adequate to preclude interference to TV reception. We have not received the complaints of interference predicted by the model of the environment assumed by Atari and AMST, even though we have been permitting via waivers the marketing and use of TV Interface Devices subject to the higher limits.

13. Nonetheless, some parties questioned why radiation interference limits for the TV Interface Device should be less stringent than those for the category of devices it replaces—the Class I TV device. First, as we had concluded in the *Notice*, the Class I limits were apparently unnecessarily stringent and that no measurable benefit has been revealed from having more stringent radiation limits. Lending support to our conclusion is the experience of the last few years in

⁹ Computing Devices, Subpart J of Part 15, Section 15.801 et seq., 47 CFR 15.801 et seq. See Computing Devices, *First Report and Order* in Docket 20780, 79 FCC 2d 28 (1979), *reconsideration*, 79 FCC 2d 67 (1980), *Clarification*, 85 FCC 2d 638 (1981).

which the predicted complaints of interference have not been received.⁹ Second, we intend to minimize and simplify the regulatory scheme the Commission imposes. We do so by setting emission limits for the TV Interface Device designed to provide adequate protection for broadcast TV. Also by making the limits identical to those for the personal computers, we avoid more than one emission classification and provide for the application of a single standard for the computer (or any other video source) and the TV Interface Device, both employed in the home.¹⁰ Therefore, we promote clarity in the rules, minimizing confusion in determining how different pieces of equipment should be categorized. The costs of compliance are thereby reduced, presumably leading to lower cost personal computing systems and other devices. For the foregoing reasons, we adopt the proposed emission limits, which are identical to the limits we adopted for personal computers. (See Appendix C, Rule § 15.610)

C. Equipment Authorization

14. In the *Notice*, the Commission proposed Certification as the equipment authorization procedure for the TV Interface Device rather than Type Approval, which was required for Class I TV device.¹¹ The broadcasters and Atari objected to this relaxation of the equipment authorization requirement. AMST and Atari argued that Certification does not provide the necessary assurances of compliance and that the Commission should use whatever resources are necessary to test such equipment to protect TV reception. Atari also asserted that new manufacturers of a TV Interface Device, who have never made radiation measurements to determine compliance with FCC Rules, will not possess the necessary skills to accurately test a device for compliance. This, Atari

⁹ Since 1980, the Chief Scientist has granted over 90 waivers of the Class I TV device rules, authorizing the operation of the TV Interface Device under the rules proposed in the *Notice*. As related above, the Commission is not aware of any interference cases where the TV Interface Device was identified as the source of the interference.

¹⁰ We treat in more detail the video source, attachments and other accessories to the TV Interface Device below in paragraph 23.

¹¹ Type Approval is an equipment authorization procedure in which the FCC Laboratory tests a representative sample of a device and issues an approval. Certification is a procedure in which we review test data submitted to the Commission and issue an approval, if the submittal is satisfactory. (See 47 CFR Part 2, Subpart J) Both procedures are a prerequisite for marketing pursuant to 47 CFR Part 2, Subpart L.

suggested, would lead to more non-compliant devices on the market and as a result more potential for interference.

15. Our proposal to relax the equipment authorization requirement for such devices was based on our experience with manufacturers who over the past 10 years have acquired the necessary skills to produce and measure compliant Class I TV devices. At the time Subpart H of Part 15 was adopted, the Commission imposed the stricter Type Approval requirements for two reasons. First the rules permitted a new class of devices to be attached to the TV receiver and we wanted to be sure that the devices did not interfere with TV reception. Second, manufacturers who began building Class I TV devices were unfamiliar with making radiated emission measurements, particularly to meet the tight limits adopted for Class I TV Devices. Consequently, we felt that imposing the additional burden of Type Approval on these manufacturers was appropriate in 1972. We have now relaxed the limits, which reduces the complexity of the testing, and experience tells us we can relax the regulatory burden of Type Approval for the TV Interface Device. In response to Atari's argument concerning the lack of skill of new manufacturers in meeting the technical requirements including the testing for compliance, it should be noted that the Commission reserves the right to call in a sample for testing as part of the Certification process, if the situation so warrants. (See 47 CFR 2.943). In addition, we can engage in sampling of products already on the market. For the foregoing reasons, we adopt Certification as the equipment authorization procedure for the TV Interface Device. (See, Appendix C, Rule § 15.616.)¹²

D. Miscellaneous Issues

16. Most of the rules regarding design requirements are adopted as proposed in the *Notice*, with exception of some

¹² On January 13, 1983 the Commission adopted a Notice of Proposed Rulemaking entitled "In the Matter of Amendment of the regulations to expand the notification and verification equipment authorization procedures", General Docket No. 83-10, FCC 83-4, released January 21, 1983. In that NPRM we proposed to relax the equipment authorization requirements for certain equipment. For the TV Interface Device, however, we are not further relaxing such requirements because of its potential for interference. This concern was raised in paragraph 18 of the NPRM for equipment not proposed to be included under notification. Despite no reports of interference as cited in paragraphs 12 and 13 above, the potential remains high since TV Interface Devices are high-volume consumer items used in close proximity to TV receivers. The possibility exists, however, of changing to notification should our future experience so indicate, as generally stated in paragraph 19 of the NPRM.

minor changes in response to the comments. As to the § 15.614(a), General design requirements, and Section 4.0, General Test Conditions, in our recommended measurement procedures we have revised the range of video input signal levels required to test the TV Interface Device (See Appendix B, *Recommended FCC Measurement Procedure for the TV Interface Device*, MP-3.) All parties commenting on this question took issue with the one to ten volt range proposed in the *Notice*. EIA recommends five volts as the maximum video input signal because it asserted that most measurement facilities do not possess costly video amplifiers capable of producing ten volts into the typical 75 ohm load. We have been convinced by TI and Sony that designing the TV Interface Device to prevent excessive emissions when it is presented with a ten volt input voltage is unnecessarily expensive. Most video sources operate in the range of only one to two volts. Furthermore, overload circuitry may be easily incorporated to preclude the TV Interface Device from operating with excessive input voltage. We are persuaded by TI, Sony and EIA that five volts should be the maximum. Therefore, a TV Interface Device shall operate within the emissions limits of the new Subpart H when presented with a video input signal level of one to five volts. (See Appendix C, Rule § 15.614(a) and § 4.0, Appendix B.)

17. Another modification to the proposed rules involves a change recommended by TI that limits the interference potential of the TV Interface Device and promotes design flexibility. We proposed in Section 15.603 that the maximum output signal level for the video modulated signal be specified as $346.4 \sqrt{R}$ microvolts (where R is the output impedance of the device) and that the power of the sound modulated signal be specified as 13 dB below the corresponding power of the video modulated signal. Both of these requirements now apply to the Class I TV device. We adopt the $346.4 \sqrt{R}$ microvolt level for the video modulated signal and an absolute maximum level of $77.5 \sqrt{R}$ microvolts for the sound modulated signal rather than the 13 dB for the power ratio between them. We reject the contention by EIA that since the rules for broadcasting and cable TV specify visual/aural ratios of 7-10 dB and 13-17 dB, respectively, deviation from these ranges can cause impairment of the sound or picture reception or both. We believe that setting of those ratios for TV Interface Devices should be largely a marketplace decision subject to compliance with the above-

stated limit. Furthermore, the voltage level maximum that we do set leads to a more flexible design, and is consistent with the absolute levels in §§ 15.606 and 15.608. This flexibility is appropriate because of the considerably broad ranges of the output signal level of video sources. Equipment designers are permitted greater flexibility by not having to maintain that 13 dB ratio between the two signals when the voltages are lower than maximum levels. Of particular importance, the interference potential of the TV Interface Device will not be increased at all given the establishment of maximum output signal levels.

18. At paragraph 24 in the *Notice* we addressed the problem of the inadvertent connection of the output of the TV Interface Device to the receiving antenna of the TV receiver. This connection could result in the receiver antenna acting as a transmitting antenna for the TV Interface Device, thus greatly increasing the potential for interference to nearby TV receivers. To date we are not aware of any reports attributable to such a misconnection. Our discussion in the *Notice* and the comments thereto, however, focused on TV receivers as used for reception of conventional over-the-air TV signals via an associated antenna. We are, of course, aware of the increasing prevalence of the use of TV receivers for reception of signals via direct cable connection, thereby eliminating the necessity for an attached antenna. Although some cable converters are regulated under the Rules for cable television in Part 76, there are some that fall outside the jurisdiction of Part 76. A cable converter attached to a Master Antenna TV system is an example of such a converter. For such systems it is extremely unlikely for the output of the TV Interface Device to be connected to the antenna of the TV receiver. Thus, we do not believe it is necessary to incorporate a switch to minimize the possibility of such misconnection. We therefore will not require that a transfer switch be incorporated in a TV Interface Device which converts or otherwise processes all TV channels including standard terrestrial broadcast TV signals. In other words, when the TV Interface Device provides for reception of conventional over-the-air TV and the receiver's associated antenna is not required, the transfer switch will not be required either. (See Appendix C, Rule § 15.606(b)). It should be noted, however, that this relaxation of the switch requirement will only be permitted for non-radiating systems in which it is not possible for the signal

from the TV Interface Device to be radiated and cause interference. For example, for systems using Subscription TV decoders that feed only subscription TV signals to the TV receiver there is no relaxation, and a decoder must be used incorporating an insulation switch (when the decoder includes an RF modulator).

19. In the *Notice*, we proposed that a TV Interface Device must include a switch which provides a certain level of isolation between the antenna terminals and RF modulator. In addition to the switch, AMST suggests that we should adopt a requirement that would provide for foolproof design or construction such that under no circumstances could the device be connected directly to the receiving antenna. Unfortunately, AMST did not suggest how this could be accomplished. Furthermore, we do not believe such measures are practical or necessary, especially in light of the lack of complaints involving such devices. Therefore, the suggestion made by AMST to add additional restrictions to § 15.606 is not accepted.

20. Another aspect of interference caused at the output of the TV Interface Device is the potential for harmful interference when emissions beyond a certain strength fall outside of the desired channel. We had proposed that at any RF output terminal the voltage of any emission outside of the band 4.25 MHz below and 7.75 MHz above the video carrier frequency on which the TV interface operates shall not exceed 10.95 \sqrt{R} microvolts. TI, Atari and EIA in particular took issue with this proposal because it was alleged that manufacturers would be forced to utilize either more sophisticated modulation techniques, sharper filters, or other techniques, any of which would entail greater expense in the transmission of both video and sound information.¹³ The

¹³Typically, the commenters economically derive the sound carrier in an RF modulator by employing double sideband modulation such that one sound carrier is 4.5 MHz above the visual carrier frequency and the other (undesired) 4.5 MHz below the visual carrier. Under the rules for a Class I TV device, emissions outside of the channel 3 MHz above and 3 MHz below the respective edges of the 6 MHz TV channel had to be attenuated. To have the undesired carrier fall within 3 MHz of the edges of the TV channel, the class I TV device would be operated on a visual carrier frequency at least 250 kHz higher than that used for broadcast TV. Under the proposed rule, because the emission limits were referenced to the visual carrier rather than the channel edges, operation of the TV Interface Device on a higher visual carrier would no longer keep the undesired sound carrier within limit. Manufacturers would have been required either to employ a single sound carrier below use more expensive filters, etc. to attenuate emissions falling 250 kHz or more outside of the lower channel edge.

consumer in turn would incur greater expense in purchasing the TV Interface Device incorporating an RF modulator. To accommodate the double sideband generated sound carrier, without added expense, we are adopting EIA's recommendation, that emissions more than 4.6 MHz below and 7.4 MHz above the video carrier frequency be attenuated. We incorporate such modification in the Rules. (See Appendix C, Rule § 15.608.)

21. In the *Notice*, we proposed in § 15.610 to consolidate the requirements for a composite TV Interface Device that includes an RF modulator and a video source or some other component that might be subject to another part of the Rules. This proposal was intended to replace the present requirements of filing two or more applications for equipment approval of a composite device. For example, under the Class I TV device rules, a video tape recorder (VTR), which includes a TV tuner and an RF modulator plus other components, was subject to the technical and Certification requirements in Subparts C and H of Part 15, respectively. Under the proposal, a single application for Certification would be filed for the VTR. The technical requirements for the composite device would be determined by the applicable requirements for each part of the composite device. Most commenters supported this part of the proposal, but questioned the proposed language and asked that it be clarified. Atari, on the other hand, argued that the most restrictive technical requirement for the composite device should be applied to the complete device.

22. A closely related question concerns the proposed definition of video source, which was defined as a device that applies a video input to a TV Interface Device. RCA argued that this definition is too restrictive, since it does not encompass stand-alone or external video sources that do not connect to a TV Interface Device. The definition, RCA asserts, should be broadened to include video cameras and other devices which may or may not be connected to a TV Interface Device.

23. The above concerns about the definition and proposed Section 15.610 deal with the applicable limits for a composite TV Interface Device and for external attachments to the TV Interface Device. Upon further reflection, it now appears that the proposed language may have been confusing and that some clarification is needed. A TV Interface Device, by definition, may include a video source (and possibly other components), or it may be marketed separately as an RF modulator. In

general, most attachments to a TV Interface Device (one exception being that of controllers for TV games) incorporate digital circuitry and, as such, are classified by the Commission to be computing devices. The Rules for computing devices were adopted by the Commission in late 1979 in FCC Docket 20780. In that proceeding, we made home computing devices subject to the same emission limits proposed and adopted herein for TV Interface Devices. Therefore, as to their respective interference potentials it does not matter whether the video source is internal or external to the TV Interface Device, since both devices must meet the same emission limits. Video disc players and video tape recorders, however, constitute an exception that caused some confusion. VTRs contain a TV tuner, which by itself is subject to the receiver requirements in Subpart C of Part 15. Some disc players on the other hand, contain a capacitive coupling mechanism which is subject to the requirements for a Field Disturbance Sensor in Subpart F of Part 15 of the Rules.

24. In the *Notice*, we proposed a single authorization for these devices and an adjustment in the limit for emissions from the TV tuner and the capacitive mechanism of the disc players. The present rules for a Class I TV device permit this and we do not know of any reason not to allow an adjustment of the limit for these products. By doing this we disagree with and reject the contrary recommendation by Atari to require the composite TV interface Device to be governed by the tightest technical requirements. We believe such a requirement to be impractical and unnecessary for these two products, since there does not appear to be an interference problem with video tape and disc players. Also, since most video sources, such as personal computers, are already required to be certificated by the Commission pursuant to Subpart J of Part 15, there is no longer a reason to retain a separate definition and Certification requirement for video sources. The few attachments to TV Interface Devices that contain digital circuitry and are not classified as personal computers will be handled as Class B computing devices subject to Verification by the manufacturer. Attachments, such as paddle controllers (i.e., a connecting wire plus a few variable resistors), that do not include active components, do not have to be certificated by the Commission. Such controllers do, however, have to be exercised with the TV Interface Device when it is tested for compliance. In

response to RCA's concern about a video camera that does not contain digital circuitry, we are deferring this question to the resolution of the proposal to revise Section 15.7 in FCC Docket 20780. For the above reasons, proposed § 15.610 (redesignated § 15.618) has been revised as indicated and the definition for video source has been deleted. (See Appendix C, Rule § 15.618.)

25. In the *Notice* we proposed to provide for the marketing of a TV Interface Device kit. The hazards of allowing such a kit are pointed out in Atari's comments. Our intention in this proceeding to provide broadcast television with sufficient protection from harmful interference would be undermined by the authorization of TV Interface Device kits, asserts Atari. There are two problems. First, since we proposed that all necessary components need not be provided with a kit, radiation limits could be exceeded, or the carrier frequency could wander or both. Second, since, according to our proposal, consumers may be required to tune their TV Interface Devices, a serious risk exists that the device might be mistuned, thereby causing interference to nearby receivers. We are aware of these potential hazards as well as the hazard of kits on the marketplace not explicitly subject to any regulation. We believe that the potential for interference is less if all kit manufacturers and consumers are required to comply with our Rules than if there were a prohibition on kits, since this would be difficult to enforce, or if there were a laissez-faire environment in which there were no specific guidelines for compliance. Thus, we adopt the proposed rule authorizing TV Interface Device kits. We require that two kits be fully assembled and tested rather than the one we had proposed in the *Notice*. The manufacturer of the kit shall comply with the procedure for obtaining Certification. Additionally, these new rules incorporate a labeling requirement. (See Appendix C, Rule § 15.620.)

26. Finally, we adopt an expanded version of the proposed § 15.622. This version includes a labeling requirement for the TV Interface Device itself. Manufacturers must affix a label whose wording is specified in the Section to inform the consumer of the interference potential of the device.

27. We have considered the contentions by some of the commenters that by granting waiver of the Rules to permit operation of the TV Interface Device prior to the completion of this rulemaking we have prejudiced its

outcome. We disagree. In each case of approval of a request for waiver, we considered foremost the particular facts presented by each petitioner. We granted each petitioner interim relief on this basis. We did so to further the public interest in realizing the benefit of the latest technologies incorporated in devices such as the stand-alone RF modulator. In deciding upon the final rules adopted herein we relied very heavily on the informed pleadings of the commenting parties made in response to the proposed rules and have modified them accordingly. As a by-product of the operation of TV Interface Devices pursuant to individual waivers, moreover, we had available a field test of sorts of the interference potential the TV Interface Device posed to home TV reception. If operation of TV Interface Devices had resulted in unacceptable interference, we certainly would have taken appropriate action in this rulemaking. For these reasons, we believe that each of the waivers specifically responding to the good cause shown by the petitioner was granted in the public interest, and did not prejudice the outcome of the rulemaking. In fact, because of the favorable experience with the TV Interface Device, the soundness of our decision is enhanced.

28. In the *Notice*, we had proposed a set of procedures for measuring whether a device met with the emanation limits we had proposed. These measurement procedures were proposed as part of the Rules for the TV Interface Device. (See Appendix B, proposed § 15.701 et seq. of the *Notice*.) Upon reevaluation of those proposals, in part because of the comments, we have made small changes in the measurement procedures. Among the more important is the elimination of references to broadband noise. Our experience in testing TV Interface Devices has shown that the emission voltage peaks are separated sufficiently that they can be resolved by the measuring instrument—more indicative of narrowband noise. On another point, we eliminate the options of mounting the TV Interface Device on a turntable or of moving the measuring equipment about the device to test it for the direction of maximum radiation for each predominate emission. We believe that specifying that only a turntable may be used will enhance the certainty and repeatability of the tests.

29. As noted above, we have authorized by grants of waivers of the Rules the marketing and operation of TV Interface Devices prior to the effective date of the attached Rules. Marketing of TV Interface Devices authorized under

the terms of the waiver may continue without any further action on the part of the grantee. Operation of such devices may continue indefinitely, subject only to the non-interference requirements in § 15.3 of FCC Rules. (See Appendix C, Rule § 15.626.)

30. In addition to the revisions in the measurement procedures themselves, we have decided that they should serve only as recommended procedures for determining compliance with our Rules. The Commission's laboratory however will utilize the procedures set out in the publication, *Recommended FCC Measurement Procedure for the TV Interface Device*, MP-3, to check compliance with the Rules. It will be available through the FCC's duplicating contractor and the National Technical Information Service (NTIS) or both.¹⁴

III. Ordering Clauses

31. Under the authority contained in Section 1, 4(i), 302 and 303 of the Communications Act of 1934, as amended, it is ordered that the rules including the title, text and table of contents of Subpart H of Part 15 are rescinded and new rules including the title, text, and table of contents of Subpart H of Part 15 are adopted, as set out in Appendix C, attached, effective 30 days after publication of this *Report and Order* in the *Federal Register*; April 28, 1983.

32. It is further ordered that this docket proceeding, General Docket No. 79-244, is terminated.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

The following parties filed comments in response to the Notice of Proposed Rulemaking in this docket:

Association of Maximum Service

Telecasters, Inc. (AMST)

Atari, Inc. (Atari)

Dash, Straus, & Goodhue, Inc. (Dash-Straus)¹⁵

Consumer Electronics Group of the Electronics Industries Association (EIA)

GTE Services Corporation (GTE)

¹⁴ Currently, the Commission's contractor is the DownTown Copy Center, 1114 21st Street, NW., Washington, D.C. 20037, (202) 453-1422. NTIS is located at 5285 Port Royal Road, Springfield, VA. 22101, (703) 321-8521.

¹⁵ We hereby grant Dash-Straus's request for acceptance of its late-filed comments, received in the Secretary's Office on May 21, 1982, because the public interest will be served by enhancing the diversity of viewpoints on the issues at hand.

Lee M. LaMunyon of Dallas, Texas
 C. E. Muhleman of Marion, Indiana
 National Association of Broadcasters'
 (NAB)
 RCA Corporation (RCA)
 Sony Corporation of America (Sony)
 Texas Instruments, Inc. (TI)

Appendix B

Recommended FCC Measurement Procedure for the TV Interface Device, MP-3

Office of Science and Technology—
 Federal Communications Commission
 Washington, D.C. 20554

December 1982.

FCC Methods of Measurements of Output Signal Level, Output Terminal Conducted Spurious Emissions, Transfer Switch Characteristics, and Radio Noise Emissions From TV Interface Devices

- 1.0 Scope
- 2.0 Reference Standard
- 3.0 Definitions
 - 3.1 Equipment Under Test
 - 3.2 Ambient Level
 - 3.3 Emission
 - 3.4 Ground Plane
 - 3.5 Line Impedance Stabilization Network (LISN)
 - 3.6 Radio Noise
 - 3.7 Radiated Radio Noise
 - 3.8 Conducted Radio Noise
 - 3.9 Random Noise
 - 3.10 Narrowband Radio Noise
 - 3.11 Active Picture Field
- 4.0 General Test Conditions
 - 4.1 Test Sites
 - 4.1.1 Open-Field Tests
 - 4.1.1.1 Tests at Laboratory, Factory, or Other Facilities
 - 4.1.1.2 Testing in a Shielded Enclosure
 - 4.2 Measurement Instrumentation
 - 4.2.1 Measuring Instrument Calibration
 - 4.2.2 Detector-Function Selection and Bandwidth
 - 4.2.3 Units of Measurements
 - 4.2.4 Antennas
 - 4.2.5 Preliminary Testing and Monitoring
 - 4.3 Frequency Range to be Scanned
 - 4.4 Data-Reporting Format
 - 5.0 Output Signal and Switch Measurements
 - 5.1 Output Signal Level Measurement
 - 5.2 Output Terminal Conducted Spurious Measurement
 - 5.3 Transfer Switch Isolation Measurement
 - 5.3.1 Balanced line Tests
 - 5.3.2 Alternative Balanced Line Tests
 - 6.0 Test Conditions for Radiated and Powerline Conducted Measurements
 - 6.1 Test Conditions for EUT
 - 6.1.1 Conditioning of the EUT
 - 6.1.2 Accessories
 - 6.1.3 EUT Grounding
 - 6.2 Test Environment
 - 6.2.1 Ambient Radio-Noise and Signals
 - 6.2.2 Temperature
 - 6.2.3 Arrangement of EUT (On Test Site)
 - 6.2.4 Ground Plane
 - 7.0 Conducted Powerline Measurements

- 7.1 Conducted Powerline Test Configuration
- 7.2 Line-Impedance Stabilization Network
- 7.3 Grounding
- 7.4 Measurement Procedure
 - 7.4.1 EUT Power Leads
 - 7.4.2 Shielded Power Leads
- 8.0 Radiated Radio Emission Measurements
 - 8.1 Radiated Emission Tests
 - 8.1.1 Electromagnetic Field: 30 MHz to 1 GHz

1.0 *Scope*.—This standard sets forth uniform methods of measurement of radiated and powerline conducted radio noise emitted from a TV interface device defined in Section 15.4 of FCC Rules. Methods of measurement of output signal level, output terminal conducted spurious emissions, and transfer switch characteristics are also covered herein. These methods of measurement will be used by the FCC in testing a TV interface device whether it is stand-alone or built in combination with a video source or a TV receiver. Applicants for certification of a TV interface device are advised to employ these methods. The technical standards for the TV interface device are set forth in Subpart H of Part 15 of FCC Rules (47 CFR 15.601 et seq.).

2.0 *Reference Standard*.—The following shall form a part of this standard to the extent applicable: American National Standard Specifications for Electromagnetic Interference and Field Strength Instrumentation, 10 kHz to 10 GHz, ANSI C63.2 (1980).

3.0 *Definitions*.—The definitions in Parts 2 and 15 of the FCC Rules and the following definitions shall apply to use of this standard.

3.1 *Equipment Under Test (EUT)*.—A representative TV interface device or system, video source, accessories etc. being tested or evaluated.

3.2 *Ambient Level*.—The magnitude of radiated or conducted signals and noise existing at a specific test location and time.

3.3 *Emission*.—Electromagnetic energy produced by a device that is radiated into space or conducted along wires and is capable of being measured.

3.4 *Ground Plane*.—A conducting surface used to provide uniform reflection of an impinging electromagnetic wave. Also, the common reference point for electrical potentials.

3.5 *Line-Impedance Stabilization Network (LISN)*.—A network (sometimes called mains network) inserted in the supply mains lead of the EUT that provides a specified measuring impedance for radio-noise voltage measurement and isolates the EUT and the measuring equipment from the supply mains at radio frequencies.

3.6 *Radio Noise*.—Electromagnetic emissions in the radio frequency range that may be superimposed upon a desired signal.

3.7 *Radiated Radio Noise*.—Radio noise transmitted into space. Such noise may include both the radiation and induction components of the field.

3.8 *Conducted Radio Noise*.—Radio noise propagated from the device into the public electrical power network via the supply cord.

3.9 *Random Noise*.—Electromagnetic disturbance (noise) originating in a large number of discrete disturbances with random occurrences in time and amplitude. The term is most frequently applied to the limiting case where the number of transient disturbances per unit time is large, so that the spectral characteristics are the same as those of thermal noise (thermal noise and the shot noise are specified cases of random noise).

3.10 *Narrowband Radio Noise*.—Radio noise having a spectrum exhibiting one or more sharp peaks, narrow in width compared to the nominal bandwidth of the measuring instrument, and far enough apart in frequency to be resolvable by the instrument.

3.11 *Active Picture Field*.—The time during which a frame of a television picture is produced, exclusive of the horizontal and vertical blanking and synchronizing intervals.

4.0 *General Test Conditions*.—All tests shall be performed with a video source connected and operating. If the TV interface device is constructed in combination with an associated video source (i.e. both devices located in the same cabinet), that source shall be used for the tests. If the TV interface device does not have a built-in source of video signal, or has a provision for an external video source, it shall use a Vertical Interval Test Signal (VITS) shown in Figure 5 of this test procedure, applied continuously throughout the active picture field. If the TV interface device can operate from either internal or external sources, tests shall be run with the internal video source and then the external VITS source.

All tests shall be performed with the level of the VITS at 1 volt and then at 5 volts.

All unused RF terminals shall be terminated in their proper impedance during all measurements.

If the TV interface device is capable of operating on more than one video carrier frequency, then separate measurements shall be made on each video carrier frequency.

4.1 Test Sites.—The test site environment must be one that assures valid, repeatable measurement results. A measurement is valid to the extent that it is a true representation of the characteristic being measured, and the same measurement procedure yields repeatable results. For radiated measurements on representative samples of an equipment type, testing is normally conducted in an open field (See 4.1.1) although other alternatives are permitted (See 4.1.1.1 and 4.1.1.2). A description of the test facility used for testing computing devices subject to certification shall be filed with the Commission, pursuant to Section 15-38 of the FCC Rules (47 CFR 15.38).

4.1.1 Open Field Tests.—Measurements of radiated radio noise should be made in an open, flat area characteristic of cleared, level terrain. Such test sites shall be void of buildings, electric lines, fences, trees, etc. and free from underground cables, pipelines, etc. except as required for the measuring equipment and the EUT. (Note: If it is impractical for the test site to be completely void of these items, metal fences or other reflecting objects shall be sufficiently far from the site so as not to introduce additional unknown factors). The horizontal distance between the device and the measurement antenna is 3 meters. The distance from the EUT to the measuring antenna shall be measured from the center of the turntable on which the device or system is placed (See 6.3). Measurements of a sample device made by the Commission will be performed on an open field test site.

4.1.1.1 Tests at Laboratory, Factory, or Other Facilities.—Compliance with the FCC limits for the TV interface device shall be based on tests being made in an open field test site or equivalent. Where it can be shown that the results of tests made in an anechoic room, dedicated factory site or other facility are correlatable to those made in an open field site, such test results will be considered acceptable. Sufficient tests over the entire frequency range of 30 to 1000 MHz shall be made to demonstrate that the alternative site produces results that correlate with the results of tests made in an open field. In the event that the Commission tests a sample device, measurements will be made in an open field and the result so obtained will determine compliance.

4.1.1.2 Testing in a Shielded Enclosure.—Radiation measurements made in a shielded enclosure are suitable only for determining the frequency profile of an EUT; they are not suitable for determining the actual

levels of the emissions unless it can be shown that the results of tests made in the enclosure are correlatable to those made in an open field. Conducted radio noise measurements made in a shielded enclosure are acceptable and, in fact, are preferable.

4.2 Measurement Instrumentation.—Measurements of output signal level, output terminal conducted spurious emissions, and transfer switch isolation should be made with an instrument capable of measuring the level of the video modulated signal during maximum amplitude peaks. (Calibration will be in terms of the RMS value of an equivalent sinusoid.) The VSWR at the measuring instrument when connected to the device shall be less than 1.5. The bandwidth of the measuring instrument shall be at least 100 kHz. No post-detector filtering shall be employed for any measurement.

Measurement of radiated and conducted radio noise shall be made with a radio noise meter conforming to the American National Standard Specifications for Electromagnetic Interference and Field Strength Instrumentation 10 kHz to 10 GHz, C63.2 (1980). Alternatively, a spectrum analyzer may be used as the measuring instrument, provided that it is used, when necessary, with appropriate accessories to provide sufficient sensitivity and overload protection to insure accurate, repeatable measurements of all emissions over the specified frequency range.

Note.—Accessories needed would depend upon the measurement situation and could include preamplifiers for sensitivity improvement, filters and/or attenuators for overload protection, and additional quasi-peak detection circuitry. Overload is defined as harmonic distortion, intermodulation, or gain compression of spectrum analyzer input signals. Precautions may have to be taken to insure that the spectrum analyzer operates linearly before taking final measurements. Consult user's manual for instructions and guidance. Application notes on the use of spectrum analyzers and other instruments are also available from several manufacturers.

4.2.1 Measuring Instrument Calibration.—The calibration of the measuring instrument, including any accessories that may affect such calibration, shall be checked frequently enough to assure its accuracy. Adjustments shall be made and correction factors applied in accordance with instructions contained in the manual for the measuring instrument.

4.2.2 Detector Function Selection and Bandwidth.—During radiated radio noise testing, radio noise meters, or spectrum analyzers that include weighting circuits, shall have the

detector function set to the CISPR quasi-peak function. The 6 dB bandwidth of the measuring instrument shall not be less than 100 kHz for radiated radio noise measurements over the frequency range of 30 to 1000 MHz. During conducted radio noise testing, radio noise measuring instruments shall have the detector function set to the CISPR quasi-peak function. The 6dB bandwidth of the necessary measuring instrument shall not be less than 9 kHz over the frequency range 450 kHz to 30 MHz. Post detector video filters, if used, shall be wide enough not to affect the quasi-peak detector reading. Alternatively, field strength meters and spectrum analyzers without CISPR weighting circuits may be employed, provided measurements are made on the peak basis, and recorded as observed (without any presumed correction for the difference between CISPR quasi-peak and peak detector function).

Note.—1. The above-specified bandwidths have tolerances as prescribed in ANSI standard C63.2-1980.

2. If bandwidths greater than those expressed in 4.2.2 are used, higher readings may result for EUTs with broadband emanations.

3. Data taken with measuring instrumentation employing logarithmic amplifiers when using the average function will represent the average of the logarithm of the voltage level. If the emanation observed is pulsed, broadband observed values will be materially lower than the true average of voltage. Instrument overload is likely to occur with linear IF systems if the emission pulse duty cycle is less than that for which the measuring instrumentation is rated. Data correction for spectrum analyzer observations should include corrections for the pulse desensitization factor. The average values of emanations can be calculated using this correction applied to peak indications, if the duty cycle is known or can be measured.

4.2.3 Units of Measurement.—Measurements of radiated radio noise shall be reported in terms of microvolts per meter (uV/m) or dB above 1 uV per meter (dB(uV/m)) at a specified distance. The indicated readings on the radio noise meter or spectrum analyzer shall be converted to microvolts per meter (uV/m) or dB above 1 uV per meter (dB(uV/m)) by use of appropriate conversion factors. Measurements of conducted radio noise shall be reported in terms of microvolts (uV) or dB above 1 uV (dB(uV)). Measured data may be presented in tabular or graphical form. Alternatively, recorder charts from automatic measuring equipment or photographs of spectrum analyzer displays may be used, providing that the calibration levels in terms of uV/m or

dB(μ V/m) are shown on such charts or photographs.

Measurements of output signal level shall be reported in microvolts (μ V) or in dB above 1 μ V (dB(μ V)). The impedance at the output terminals at which this measurement is made shall also be specified. If a balun is used, the loss of the balun must be reported and accounted for.

Measurements of output terminal conducted spurious emission shall be reported in microvolts (μ V) or in dB above 1 μ V (dB(μ V)). The frequency and level of each emission shall be specified. If a balun is used, the loss of the balun must be reported and accounted for.

The isolation of the transfer switch is to be reported in microvolts (μ V) or in dB above 1 μ V (dB(μ V)). The impedance at the antenna input terminals at which this measurement is made shall be specified. (See Section 4.0)

4.2.4 Antennas.—A calibrated, tuned half-wave dipole antenna is preferred for measuring the level of radiated radio noise. Other linearly polarized antennas are acceptable provided the results obtained with such antennas are correlatable to levels obtained with a tuned dipole. The antenna shall be capable of measuring both horizontal and vertical polarizations. The height of the antenna for horizontal polarization shall be capable of being varied from 1 to 4 meters. In the case of vertical polarization of the antenna, the maximum heights stated for horizontal polarization apply (as measured to the center of the antenna); however, the minimum height should be increased so that the lowest point of the bottom end of the dipole (or other antenna), at any frequency, clears the site ground surface by approximately 25 cm. Over the frequency range of 30 to 1000 MHz the Commission will use tuned half-wave dipole antennas in testing for compliance with FCC Rules.

4.2.5 Preliminary Testing and Monitoring.—Preliminary radiated measurements should be made indoors, preferably in an enclosure, at a distance closer than specified for compliance, to determine the emission characteristics of the EUT. It is suggested that where a radio noise meter is used for this spectrum search, either a headset or loudspeaker be connected as an aid in detecting ambient signals and finding frequencies of significant emission from the EUT. Precautions shall be taken to ascertain that the use of a headset or loudspeaker does not affect the radio noise meter indication during testing. The arrangement of EUT units and cabling should be varied as necessary (within the scope of arrangements likely to be encountered in actual use) to

ascertain to what extent this affects the emanations, in frequency, strength, and directivity of radiation. Adequate notes should be kept, both as to EUT arrangement and the frequency and strength of significant emissions to assure that the final tests made on the test site will represent the worst-case emanation potential of the EUT.

4.3 Frequency Range To Be Scanned.—For radiated measurements, the frequency range from 30 MHz to 1000 MHz shall be searched. For conducted measurements, the frequency range from 450 kHz to 30 MHz shall be searched. The six highest emissions relative to the appropriate limit shall be measured and reported. To facilitate testing with a radio noise meter, the frequency range covered in the particular test should be scanned while monitoring with headset or loudspeaker. If any indicated peaks appear while scanning, readings shall be taken at the frequencies where they occur. The scan rate shall be such that noise signals above the radio noise meter sensitivity threshold are not omitted from detection.

Note.—Automatic scan techniques are acceptable, but the maximum scan speed is limited by the response time of the measuring system and (where applicable) the repetition rate of the radio noise to be measured.

4.4 Data Reporting Format.—The measurement results expressed in accordance with 4.2.3 and specific limits where applicable, shall be presented in tabular or graphical form or alternatively as recorder charts or photographs of spectrum analyzer display, showing the level vs. frequency. Since alternate test methods are provided, test data must identify the methods used. Statements as to the instrumentation employed, instrument attenuator and bandwidth settings, detector function, EUT arrangements, a sample calculation with all conversion factors, and all other pertinent details shall be included along with the measurement results.

Note.—A detailed description of test conditions deviating from this measurement procedure including a list of the test equipment used shall be submitted to the Commission regarding the acceptability of such test conditions. In the case of devices required to be certificated, refer also to Part 2 §§ 2.909, 2.925, 2.926, 2.1022) and Part 15 §§ 15.38, 15.44, 15.45, 15.46, and 15.79) for general provisions applicable to all applications for certification.

5.0 Output Signal Measurement.—The measuring instrument shall have the characteristics described in 4.2.

5.1 Output Signal Level Measurements.—When the RF output of the TV interface device is to be fed to

the TV receiver via coaxial cable, the signal level shall be measured by direct connection to the measuring instrument with proper matching between the measuring instrument and the TV interface device.

If the RF output is fed to the TV receiver via "twin lead", the output shall be connected to a balanced RF voltmeter or to a balun, which in turn is connected to the measuring instrument. Connection cables shall be kept as short as possible.

The RF output signal level is construed to mean the highest RF level present at the output terminals during normal use of the TV interface device. Measurements shall be made of the levels of both the aural and visual carriers of each TV channel on which the TV interface device operates.

5.2 Output Terminal Conducted Spurious Emission Measurement.—When the RF output signal is intended to be fed to the TV receiver via coaxial cable, measurements shall be made by direct connection to the test instrument with proper matching between the measuring instrument and the TV interface device. If the output is fed via "twin lead", measurements are to be made through an appropriate balun with connecting cable kept as short as practical.

The frequency range 30 MHz to 1000 MHz shall be investigated to locate significant emissions.

5.3 Transfer Switch Isolation Measurement.—Measurements shall be made of the maximum voltage at the switch's antenna input terminals for all positions of the transfer switch. The maximum voltage shall correspond to the peak envelope power of the video modulated signal during maximum amplitude peaks.

If the antenna input terminal is to be connected to the antenna via coaxial cable, the signal level shall be measured by direct connection to the measuring instrument with proper matching between the measuring instrument and the TV interface device.

5.3.1 Balanced Line Tests.—The following shall apply to the measurement of the signal level at the antenna input of the transfer switch if the signal is fed via "twin lead".

The TV interface device shall be supported so that the non-coaxial terminals are at a height between 75 and 150 centimeters above the ground.

A section of balanced transmission line of the intended type, $\frac{1}{4}$ of wavelength long at the TV interface device output signal frequency, shall be connected to the antenna input terminals of the switch and supported in

a straight horizontal line from the TV interface device to the measuring equipment. There shall be a lateral clearance of at least 75 centimeters from any part of the line to any other object.

The transmission line shall be connected to a balanced RF voltmeter or to a balun which in turn is connected to the measuring instrument.

Measurements of the signal level shall be made with the $\frac{1}{4}$ wavelength transmission line and with transmission lines of decreasing line length, in at least ten equal decrements (total of 11 measurements), to length of $\frac{1}{4}$ wavelength.

The signal level at the non-coaxial antenna input terminal of the transfer switch is taken to be the median of the values obtained in these measurements.

5.3.2 Alternative Balanced Line Tests.—All eleven measurements of 5.3.1 need not be performed if it can be shown that one of the following conditions is satisfied.

(a) If and when a maximum signal level has been reached, measurements should be performed following the procedure in 5.3.1. The maximum level is reached when at least two points before and two points after the determined maximum are reached and are of a lower value.

(b) Alternatively, the previous test need not be performed if a preliminary measurement is made of any length of the balanced transmission line less than 5 meters and measured signal level does not exceed $0.173 \sqrt{R}$ microvolts.

6.0 Test Conditions for Radiated and Powerline Conducted Measurements.—All modes of operation of the TV interface device (EUT) shall be investigated to find the maximum emanations.

6.1 Test Conditions for EUT.—The equipment under test (EUT) shall be configured and operated in a manner that tends to maximize its emission characteristics in a typical application. Power and signal distribution, grounding, interconnecting cabling and physical placement of equipment or equipments of a test system shall simulate the typical application and usage as nearly as practicable. The EUT shall be furnished with rated (nominal) voltage as specified in the individual equipment power requirements. The power supplied to the EUT may need to be filtered to meet the requirements of 6.2.1.

6.1.1 Conditioning of the EUT.—The EUT shall be operated for a sufficient period of time to approximate normal operating conditions.

6.1.2 Accessories.—The TV interface device should be connected to at least

one of each type of accessory provided by the manufacturer.

6.1.3 EUT Grounding.—The EUT shall be grounded in accordance with the manufacturer's requirements and conditions of intended use. If the EUT is operated without a ground connection, it shall be tested ungrounded. When the EUT is furnished with a grounded terminal or internally-grounded lead, and when this terminal or lead is used in actual installation conditions, the ground lead or connection shall be connected to a ground plane (or facility for earth ground) simulating actual installation conditions. Any internally-grounded lead included in the plug end of the line cord of the EUT shall be connected to ground through the utility power service (See also 7.1 and 7.3).

6.2 Test Environment.—The environment at the test site should satisfy the following conditions:

6.2.1 Ambient Radio Noise and Signals.—It is desirable that the conducted and radiated ambient radio noise and signal levels, measured at the test site with the test sample de-energized, be at least 6 dB below the allowable limit of the applicable specification or standard. However, in the event that the measuring levels of the ambient plus EUT radio noise emissions are not above the applicable limit, the EUT shall be considered to be in accordance with the limit.

If the ambient field or the power line ambient level at some frequencies within the specified measurement ranges exceeds the applicable specification limit(s), other test methods may be used to show EUT compliance. The following would constitute some of the acceptable alternatives:

(1) Perform measurements at closer than the specified distances and extrapolate the result(s) to the specified limit distance using an inverse distance linear attenuation factor; or

(2) Perform measurements of critical frequency bands during hours when broadcast stations may be off the air and industrial ambients are lower; or

(3) Resort to measurement in an enclosure or anechoic room (See 4.1.1.1 and 4.1.1.2 for conditions of use). Measurements made in a shielded (metal) enclosure are normally not acceptable for the purpose of determining compliance with radiated limits. However, by making observations in such an enclosure of the relative levels of the emissions affected by ambient interference and other EUT emissions in the same general frequency range, taken together with measurements on the test site (at reduced bandwidth where necessary) you can determine with reasonable

accuracy the strength of the EUT emissions affected by ambient interference; or

(4) Insert line filters between the power source and the LISN or between the power source and the EUT as appropriate for the particular measurement.

Note.—In orienting the axis of a test site, it is desirable to consider the directions of strong ambient signals so that the orientation of the receiving antenna on the site discriminates against such signals as nearly as possible.

6.2.2 Temperature.—The ambient temperature of the testing location should preferably be within the range of 10C to 40 C (50F to 104 F) unless the individual equipment requirements specify testing over a wider temperature range. Measurements made in temperatures outside these limits may be accepted provided the EUT, radio noise meters, all indicating devices, and other equipment are at the testing location a sufficiently long time that their temperatures become stabilized with respect to the ambient temperature of the testing location. Evidence shall be given so that the calibrations of the measuring instruments used are accurate at the temperatures at which they are used.

6.3 Arrangements of EUT (on Test Site).—The EUT shall be arranged to the extent practicable in a manner that simulates actual use, with the several units placed as nearly as possible in the worst-case setup found in preliminary tests per paragraph 4.2.5. An EUT that is normally operated on a table shall be placed on a non-conducting table having the approximate surface dimensions of 75 centimeters by 100 centimeters, its height above test site ground level being 1 meter. For ease of testing, the table may be placed on a rotatable platform, in which case the total height of the table plus the platform shall be approximately 1 meter above test site ground level. If the platform is elevated, it should be nonconducting.

For an EUT normally placed on the floor, the equipment should be placed on a rotatable platform. If the platform is elevated it should be nonconducting and have a height of 0.5 meter above ground level.

The EUT shall be located in the center of the platform. If the EUT consists of two or more units, these shall be arranged around the center of the platform consistent with actual use, placed as nearly as possible in the worst-case setup, as determined during preliminary testing. See paragraph 4.2.5.

Power and signal distribution, grounding, interconnecting cables and

physical placement of the units should simulate as nearly as possible typical application and use. Starting with the worst-case setup found pursuant to paragraph 4.2.5, the arrangement of units and interconnecting cables should be varied (within the range of positions likely to occur in actual use) to maximize the strength of the strongest emission of those present (using data from the paragraph 4.2.5 tests as guidance). A sufficient number of arrangements shall be investigated to insure that the maximum radiation is measured.

The horizontal distance between the measuring set antenna and the EUT shall be measured from the center of the turntable to the center of the furthest element of the measuring antenna. (Excess length of cables shall be bundled at the approximate center of each cable by folding back and forth so as to form a bundle not exceeding 30 cm to 40 cm in length.) Radiation measurements may be made at any distance between 3 and 10 meters, provided the results are extrapolated to 3 meters using the inverse distance linear relationship. The external video (multiburst) source, when used shall be located as close to ground level as possible at the center of the turntable.

6.4 Ground Plane.—A ground screen is desirable, but not mandatory. It is pointed out, however, that open field sites are likely to need a ground screen when any of the following conditions exist at the site: the terrain is discontinuous; the terrain is subject to extreme seasonal variations in ground conductivity; there are unburied power or control cables; the site is located on pavement.

7.0 Conducted Powerline Measurements.—Unless otherwise specified, measurements shall be made to determine the line-to-ground radio noise voltage that is conducted from the EUT power-input terminals that are directly connected to a public power network. The measurements are to be made with the EUT connected to such network through a nominal, standardized RF line impedance stabilization network (LISN). A network must be inserted in series with each current-carrying conductor in the EUT power cord.

Note.—It is recommended that conducted powerline measurements be made before measurements of radiated radio noise emissions. This procedure is recommended because it is carried on indoors, requires little time as compared to radiation measurements, and can give some assurance that the shielding of the EUT is reasonably effective (at least at the lower frequencies).

7.1 Conducted Powerline Test Configurations.—The EUT shall be placed 40 centimeters from an earth grounded conducting surface at least 2 meters square unless it is floor-standing. In all cases the EUT shall be kept at least 80 centimeters from any other earth grounded conducting surface. If the measurement is made in a shielded enclosure, the walls of the enclosure may be substituted for the 2 meter square conducting surface.

If the EUT is supplied with a flexible power lead, the voltage shall be measured at the plug end of the power lead. The length of the power lead in excess of the 80 centimeters separating the EUT from the LISN shall be folded back and forth so as to form a bundle not exceeding 30 to 40 centimeters in length.

If the EUT is normally operated in the hand, measurements shall be made the same as units normally operated while placed on a table or desk. Measurements of power line conducted emanations are not required for devices capable of being operated only from internal batteries. If the EUT is fitted with a connection for operation directly or via separate transformer or power supply from public utility lines, measurements of power line conducted emanations shall be made.

In cases where accessories have their own provisions for connection to AC power, the accessories shall be connected to the LISN by connecting their AC power cords in parallel with that of the TV interface device. Where there are provisions for connection to ground, measurements shall be made with all units sharing a common ground with the LISN.

7.2 Line-Impedance Stabilization Network.—An LISN having an impedance characteristic within the limits shown in Figure 2 is required for conducted radio noise measurements. Figure 3 shows a network that will provide the specified impedance over the frequency range 450 kHz—MHz. A coaxial-type connector shall be provided for connection of the measuring instrumentation by means of a 50-ohm terminating resistance across the 1000-ohm resistor. Provision shall be made for electrically bonding the LISN enclosure to the ground plane used (See 6.4). If a direct bond is not possible, for instance to a concrete floor, a metal sheet approximately 2 meters square shall be placed under the LISN and electrically bonded to the LISN by a short low impedance connection.

Note.—LISNs designed to comply with the impedance characteristic of Figure 2 are not yet readily available on the market. As an interim measure, a 5 microhenry LISN may be

used, provided that the readings obtained using this network are increased by adding a correction to obtain a value equivalent to that which would have resulted had a 50 microhenry network been used in the measurement. The correction varies from +10 dB at 450 kHz to 0 dB at 2 MHz; values for frequencies between these limits may be obtained by reference to Figure 4. No correction is required above 2 MHz. The correction is based upon the relative impedance values of the 50 and 5 microhenry LISN networks in the range 450 kHz—30 MHz, and on a presumption that the source of the EUT power conductors in this range is low compared to that of the networks.

7.3 Grounding.—The LISN housing, measuring instrumentation case, ground plane, etc., shall be electrically bonded together in such a manner that they are at the same RF potential.

7.4 Measurement Procedure.—Measurements of powerline conducted radio noise shall be expressed as the voltage developed across the 50-ohm port terminated by a 50-ohm measuring instrument. All voltage measurements shall be made at the plus end of the EUT power cord, e.g., by the use of mating plugs and receptacles on the EUT and LISN.

7.4.1 EUT Power Leads.—All EUT input power leads, except ground leads, shall be connected individually through the LISN to the input power source. All unused 50-ohm connectors of the LISN shall be terminated with a 50-ohm resistance when not connected to the measuring instrument.

7.4.2 Shielded Power Leads.—Equipment normally used with unshielded power leads shall be connected to the LISN and tested with unshielded leads. If the EUT is normally operated with shielded or armored leads, the tests shall be made using such leads. The applicant shall supply the same power lead and plug for testing with which the TV interface device will be marketed (whether these leads are permanently connected or installed by a technician or the purchaser).

8.0 Radiated Radio Emission Measurements.—Measurements of radiated radio emissions shall be made using the measuring instrumentation and antennas specified in 4.2 and 4.2.4, respectively. Radiation from the EUT including radiation from all signal and power cabling shall be measured. The EUT shall be set up and operated in a manner representative of actual use, but not inconsistent with the provisions of Section 4 above.

8.1 Radiated Radio Emission Tests.—Radiated radio emission measurements shall be made at one of the test sites described in 4.1 above. An EUT subject, to a radiated limit at 3

meters, shall be measured at a distance of 3 meters, unless impractical because of the size of the equipment, location, etc., in which case measurements may be made at a further distance of 10 meters and the results extrapolated downward utilizing an inverse distance extrapolation factor (i.e., 20 dB/decade). At a test distance of 10 meters the antenna shall be varied in length between 1 meter and 4 meters above ground to determine the maximum level of emission within this range. Both horizontal and vertical orientations of the search antenna shall be employed and maximum values reported. For vertical polarization the bottom end of the dipole shall be kept at least 25 cm above site ground per paragraph 4.2.4.

At sites other than open field, it is permissible to replace continuous variation of antenna height with the setting of the antenna at one or more

fixed heights, provided that it can be shown that equivalent results are obtained.

A typical test configuration for open-field and alternative sites is shown in Figure 1. The LISN, installed for the powerline conducted radio-noise measurements, may be left in place for radiated radio emission tests.

Radiated emission magnitudes shall be obtained in the azimuthal direction of maximum field strength for each predominate emission.

8.1.1 Electromagnetic Field: 30 MHz to 1 GHz.—Any equipment or device to which it is applicable shall be measured for radiated radio emissions from all units, cables, power lines and interconnecting wiring.

Antenna position in azimuth shall be varied during the measurement in order to determine maximum field strength. Measurement shall be made at the

azimuth such that the maximum radiation levels will be detected.

The antenna(s) specified in paragraph 4.2.4 above, preferably shall be positioned at the specified distance from the EUT for the duration of this test. Other test distances may be used and data extrapolated to the specified distance per paragraph 8.1. Tests shall be made in both the horizontal and vertical planes of polarization.

The area of maximum radiation from the EUT may be initially determined by scanning the power leads and the equipment using the radio noise meter in conjunction with a short electric field antenna at a closer distance.

For recordkeeping purposes only the 6 highest emanations observed during the tests need be recorded and maintained in the permanent record file.

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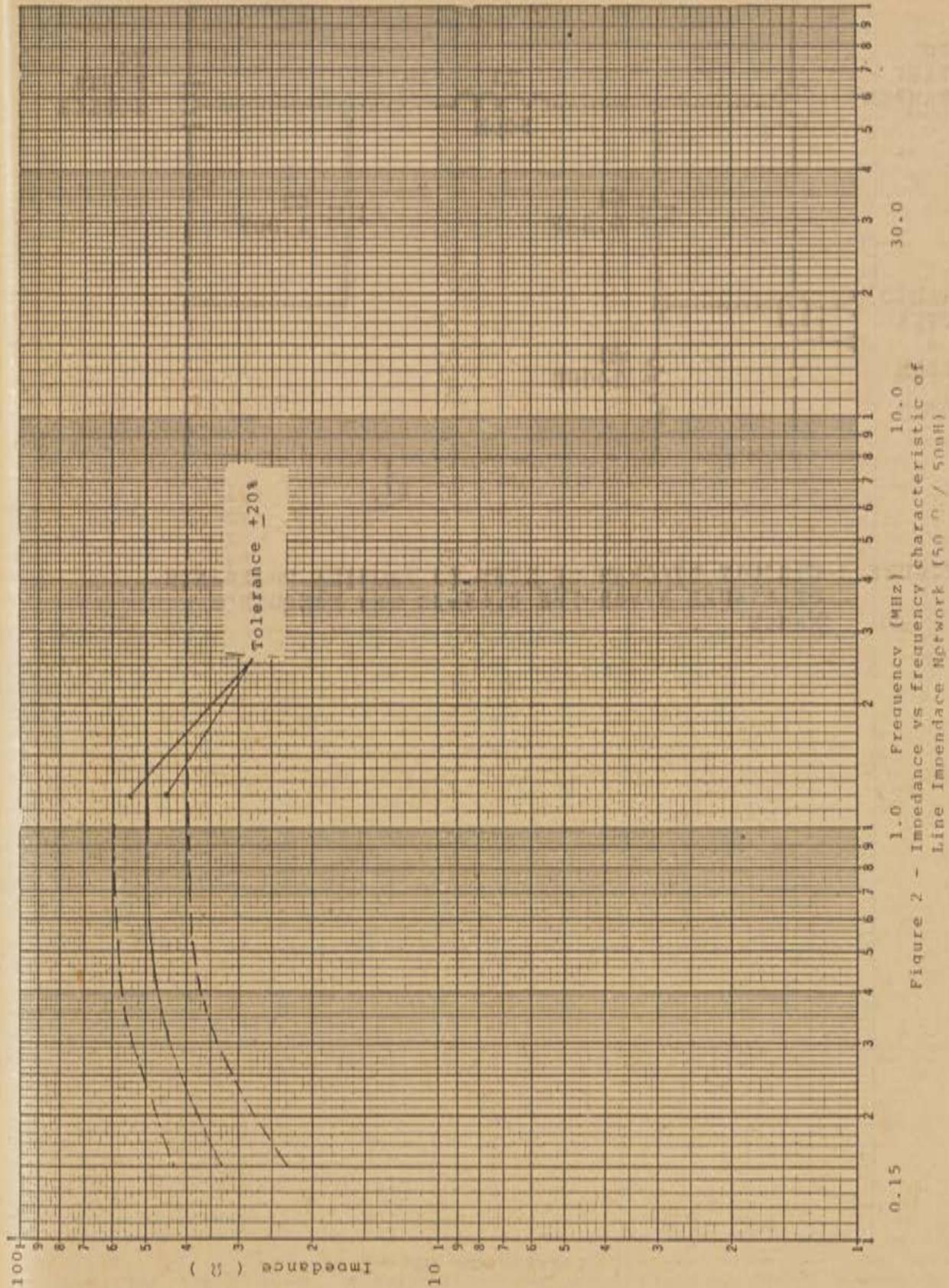


Figure 2 - Impedance vs frequency characteristic of Line Impedance Network (50 Ω / 50nH)

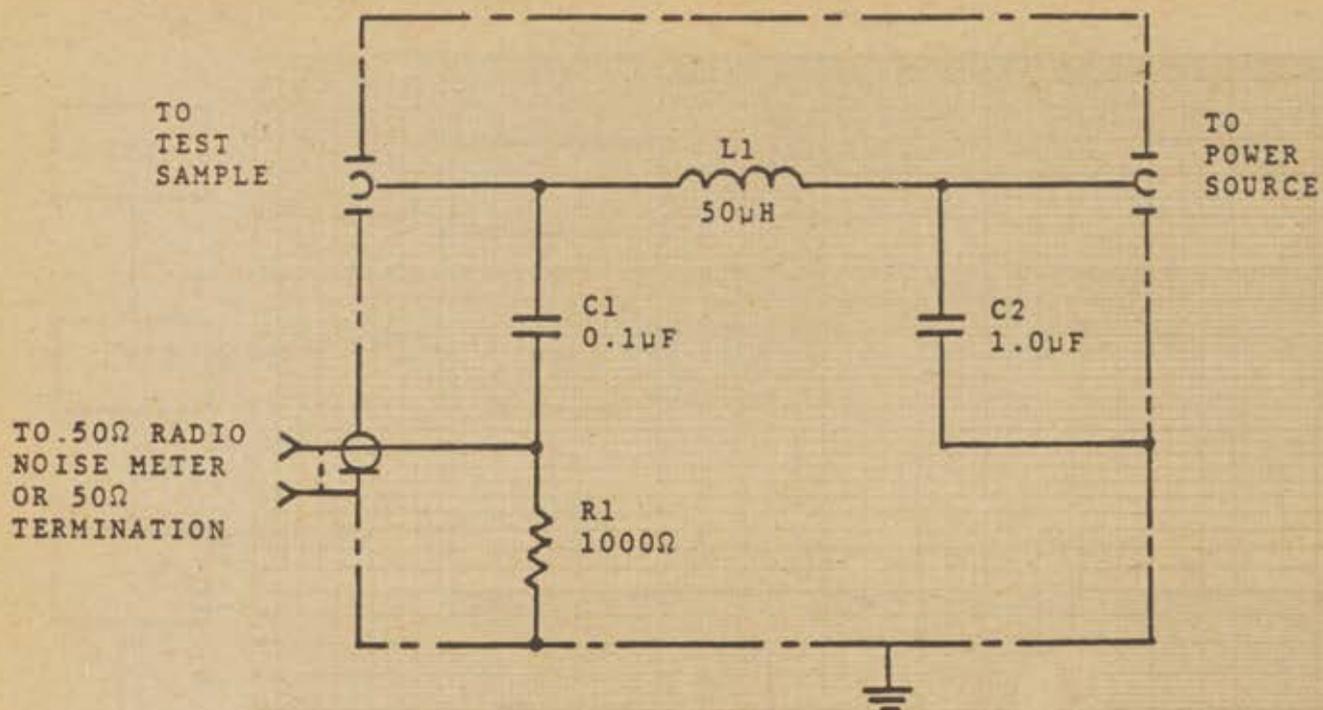


FIGURE 3-CIRCUIT DIAGRAM OF LISN TO PROVIDE IMPEDANCE OF FIGURE 3 FOR THE 0.45-30 MHz FREQUENCY RANGE

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Correction in dB for 50 μ H LISN:
Add to readings with 5 μ H LISN
to obtain values equivalent to
those that would be obtained with
a 50 μ H LISN.

10

5

CORRECTION (dB)

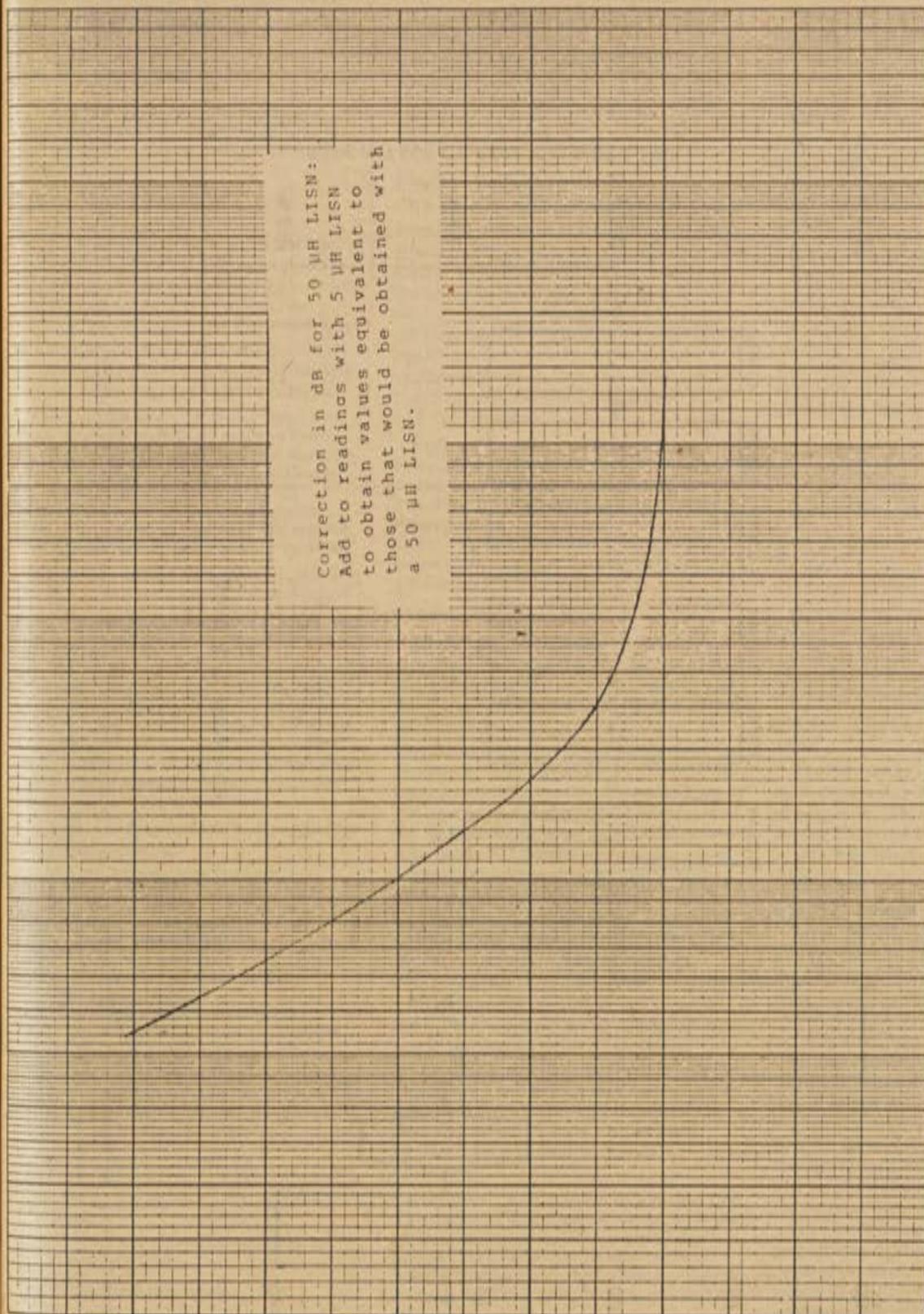
0

0.1

1.0

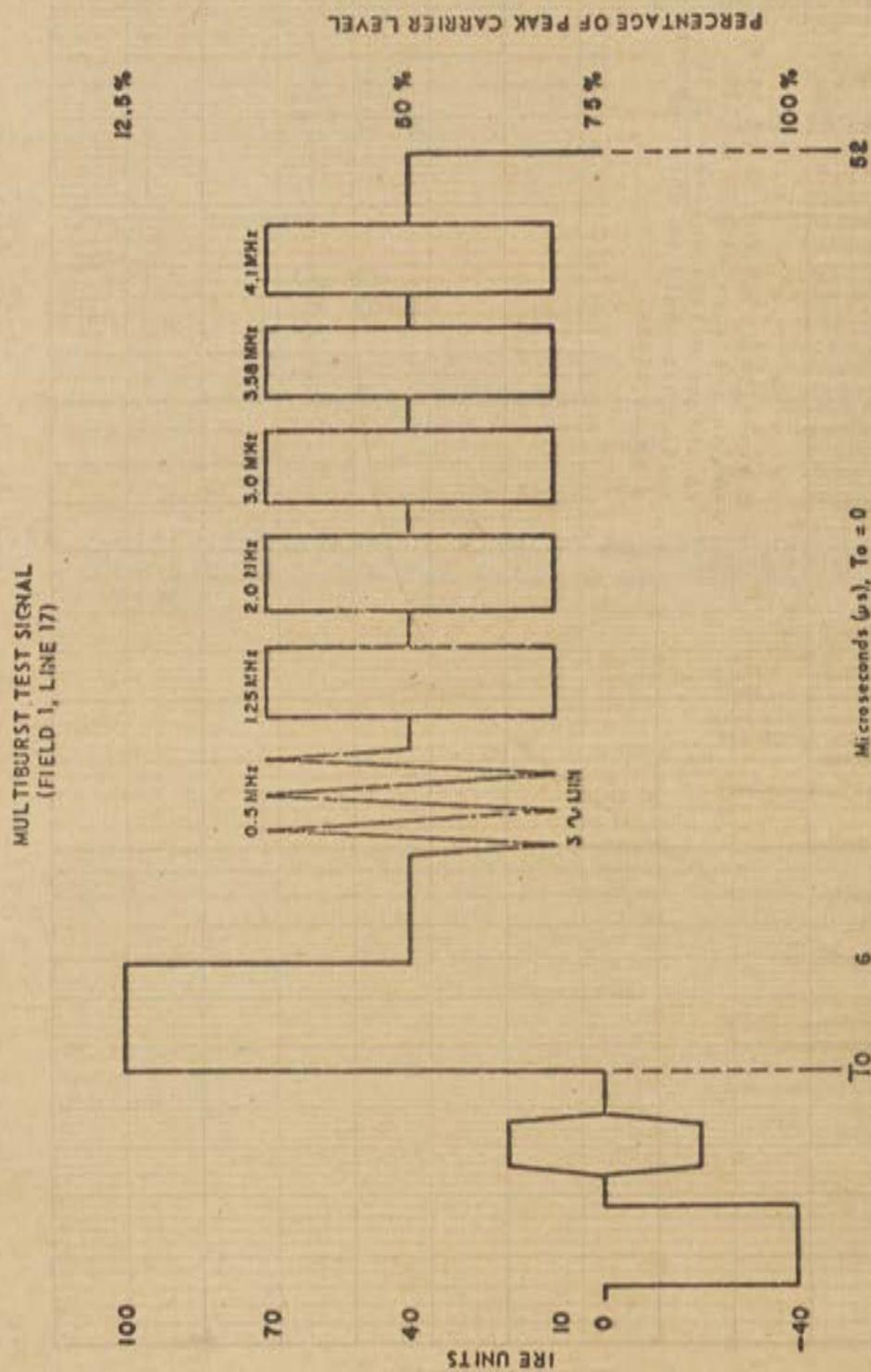
10

FREQUENCY (MHz)



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FIGURE 5



NOTES:

1. A breezeaway, as shown between bursts, is recommended. Each burst = 60 IRE units peak to peak
2. T₀ = Nominal start of active portion of line 17, Field 1
3. Rise and fall of white bar shall have risetime of not less than 0.2 us

Appendix C

Part 15 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Part 15—[Amended]

1. Section 15.4 is amended by removing and reserving paragraph (m) and by adding a new paragraph (u) to read as follows:

§ 15.4 General definitions.

(u) *TV interface device.* A restricted radiation device that produces a radio frequency carrier modulated by a video signal derived from an external or internal signal source, and which feeds the modulated radio frequency energy by conduction to the antenna terminals of a conventional television receiver.

Note.—A TV interface device may be a stand alone RF modulator, or a composite device consisting of an RF modulator, video source and other components. Specifically excluded is a device that is primarily intended to be part of a cable television system, as defined in Part 76 of this chapter, and is owned by the cable system operator.

2. Section 15.7 is amended by revising the appended note to read as follows:

§ 15.7 General requirements for restricted radiation devices.

Note.—Radio receivers, cable television systems, computing devices, TV interface devices, low power communication devices, and power line carrier systems as used by electric utilities on power transmission lines are regulated elsewhere in this chapter and are not regulated by this section.

3. Subpart H is revised in its entirety to read as follows:

Subpart H—TV Interface Devices

- 15.601 Cross reference.
- 15.602 Conditions of operation.
- 15.604 Output signal level.
- 15.606 Transfer switch
- 15.608 Output Terminal conducted interference limits.
- 15.610 Radiation interference limits.
- 15.612 Line conducted interference limits.
- 15.614 General design requirement.
- 15.616 Equipment authorization requirements for the TV interface device and attachments thereto.
- 15.618 Certification of complete TV interface device.
- 15.620 TV interface device kit.
- 15.622 Labelling requirements.
- 15.624 Interference from a TV interface device.
- 15.626 TV interface device approved prior to April 28, 1983.

§ 15.601 Cross reference.

The provisions of Subparts A and B of this Part and Subparts J and K of Part 2 of this chapter shall apply to a TV interface device.

§ 15.602 Conditions of operation.

(a) A TV interface device shall at all times comply with the requirements of this Subpart.

(b) The output signals of a TV interface device shall be coupled to the TV receiver by either wires or coaxial cable provided by the manufacturer of the TV interface device.

§ 15.604 Output signal level.

The voltage corresponding to the peak envelope power of the video modulated signal during maximum amplitude peaks across a resistance (R ohms) matching the rated output impedance of the device, shall not exceed $346.4 \sqrt{R}$ microvolts. The voltage corresponding to peak envelope power of the sound modulated signal, if provided by the TV interface device, shall not exceed $77.5 \sqrt{R}$ microvolts.

Note.—If R = 300 ohms, the maximum allowable RMS output voltage of the video carrier is 6000 microvolts and that of the sound carrier, if provided, is 1342 microvolts. If R = 75 ohms, the maximum allowable RMS output voltage of the video carrier is 3000 microvolts and that of the sound carrier if provided is 671 microvolts.

§ 15.606 Transfer switch.

(a) A TV Interface Device shall be equipped with a receiver transfer switch for connecting the antenna terminals of the TV receiver selectively either to the receiving antenna or to the radio frequency output of the TV Interface Device. In either position of the receiver transfer switch, the maximum voltage at the receiving antenna input terminals of the switch when terminated with a resistance (R ohms) matching the rated impedance of the antenna input of the switch, shall not exceed $0.346 \sqrt{R}$ microvolts. The maximum voltage shall correspond to peak envelope power of the video modulated signal during maximum amplitude peaks.

(b) A transfer switch is not required for a TV Interface Device designed and marketed for use with a television receiver that receives signals by wire or cable and does not receive over-the-air standard broadcast signals, provided that the device include on the label required by § 15.622 the following statement:

This device is intended to be attached to a TV receiver, which does not receive over the air broadcast signals. Connection of this device in any other fashion may cause harmful interference to radio communications and is in violation of FCC Rules. See 47 CFR Part 15, Subpart H.

Note.—This statement is to be used in lieu of the statement in § 15.622, on equipment to which § 15.606(b) applies.

§ 15.608 Output terminal conducted interference limits.

At any RF output terminal, the maximum voltage of any emission appearing on frequencies removed by more than 4.6 MHz below or 7.4 MHz above the video carrier frequency on which the TV interface device is operated shall not exceed $10.95 \sqrt{R}$ microvolts when terminated with a resistance (R ohms) matching the rated output impedance of the TV interface device.

§ 15.610 Radiation interference limits.

The field strength of any electromagnetic energy radiated from the cabinet, control circuitry and power leads of a TV interface device including that radiated from any associated accessories or attachments shall not exceed the following limits:

| Frequency (MHz) | Field strength (µV/m at 3 meters) |
|-----------------|-----------------------------------|
| 30-88 | 100 |
| 88-216 | 150 |
| 216-1000 | 200 |

Notes.—1. The tighter limit shall apply at the edge between two frequency bands.

2. The output terminal of the device shall be terminated by a resistance equal to the rated output impedance.

§ 15.612 Line conducted interference limits.

The RF voltage measured between each power line and ground at the power terminals of the TV interface device shall not exceed 250 microvolts at any frequency between 450 kHz and 30 MHz, inclusive.

§ 15.614 General design requirements.

(a) A TV interface device shall incorporate circuitry to automatically prevent emanations from the device from exceeding the technical specifications in this subpart. These circuits shall be adequate to accomplish their function when the TV interface device is presented with video input signal levels in the range of one to five volts. This requirement is not applicable to a TV interface device that incorporates a built-in signal source and has no provisions for the connection of an external signal source.

(b) The TV interface device must be so constructed that adjustments of any control accessible to the user will not cause operation in violation of the requirements of this Subpart.

(c) The TV interface device shall be designed and constructed to the extent practicable so as to preclude the

possibility that the consumer may inadvertently attach the output of the device directly to the receiving antenna, if any, without first going through the transfer switch.

§ 15.616 Equipment authorization requirements for the TV interface device and attachments thereto.

(a) A TV interface device shall be certificated pursuant to Subpart J of Part 2 of this chapter to show compliance with the technical specifications in this Subpart. To determine compliance, the TV interface device must be fully exercised with all external devices or accessories that are intended to be marketed and used with it.

(b) An external device or accessory that is intended to be attached to the TV interface device shall comply with the technical and administrative requirements set out in the Rules under which it operates. For example, a personal computer must be certificated to show compliance with Subpart J of this Part.

(c) To determine compliance with the technical requirements of this Subpart, measurements shall be made in accordance with the applicable procedures set forth in the *Recommended FCC Measurement Procedure for the TV Interface Device*, MP-3 or equivalent procedures, provided the applicant can adequately demonstrate to the Commission that such procedures are in fact, equivalent.

Note.—MP-3 is available from the National Technical Information Service (NTIS) located at 5285 Port Royal Road, Springfield, Va. 22161 and from the Commission's current duplicating contractor, whose name is available from the Commission's Consumer Assistance Office.

§ 15.618 Certification of complete TV interface device.

(a) A TV interface device that is submitted to the Commission as a composite device in a single enclosure containing an RF modulator, video source and other component devices shall be submitted on a single application (FCC Form 731) and certificated as a single TV interface device.

(b) Required measurements shall be made with all components operating simultaneously under the test procedures specified in § 15.616(c).

(c) The composite TV interface device shall comply with the technical specifications in this Subpart, with two exceptions. The emanations of a tuner section of a TV interface device, so identified, shall not exceed the technical

limits in Subpart C of this Part. The emanations of a TV interface device incorporating a field disturbance sensor shall not exceed the limits in Subparts F and H of this Part, whichever is higher for each frequency.

(d) A TV interface device incorporating a TV tuner shall meet the all channel requirements in §§ 15.65–15.68.

§ 15.620 TV interface device kit.

A TV interface device marketed as a kit shall comply with the following requirements:

(a) All parts necessary for the assembled TV interface device to comply with the technical requirements of this Subpart must be supplied with the kit. No mechanism for adjustment that causes operation in violation of the requirements of this Subpart shall be made accessible to the builder.

(b) Assembly of two TV interface device units of a specific type shall be made in accordance with the instructions being supplied with the product being marketed. If all components required to fully complete the kit (other than those specified in paragraph (a) of this section) are not normally furnished with the kit, assembly shall be made using the recommended components. The assembled unit shall be certificated as any other TV interface device.

(c) The measurement data required for certification shall be obtained for both of these units and submitted with an application for certification.

(d) A copy of the exact instructions that are provided for assembly of the device shall be submitted with the application in addition to other material required by § 2.1033 of this Chapter.

(e) In lieu of the statement required by § 15.622, the following label shall be included in the kit with instructions to the builder that it should be attached to the completed kit:

CERTIFICATION LABEL

(Manufacturers Name)

FCC ID _____

This assembled device can be expected to comply with Subpart H of Part 15 of FCC Rules, provided it is assembled in exact accordance with the instructions provided with this kit.

Name, Title, and Signature of Company Official

STATEMENT OF COMPLIANCE

I certify that I have constructed this

kit in exact accordance with the instructions provided with this kit using only the parts provided or recommended by the manufacturer. I understand that the operation of the assembled devices is subject to the following two conditions: (1) This device may not cause harmful interference, and (2) this device must accept any interference received including interference that may cause undesired operation.

Signature of assembler

Date assembled

§ 15.622 Labeling requirements.

A TV interface device shall be identified pursuant to the requirements in Subpart J of Part 2 of this Chapter. In addition, the name plate or label shall include the following statement:

This device complies with FCC Rule Part 15. Operation is subject to the following two conditions: (1) This device may not cause harmful interference and (2) this device must accept any interference that may be received, including interference that may cause undesired operation.

§ 15.624 Interference from a TV interface device.

(a) Operation of a TV interface device is subject to the general conditions of operation set forth in § 15.3.

(b) The operator of a TV interface device shall promptly stop operating the device when that operator is advised by the Commission that the TV interface device is causing harmful interference, and shall not resume its operation until the condition causing the harmful interference has been corrected.

§ 15.626 TV interface device approved prior to April 28, 1983.

A TV interface device that has been type approved as a Class I TV device prior to April 28, 1983 and that has been labeled with an FCC type approval number may be marketed and operated indefinitely subject only to the non-interference provisions of §§ 15.3 and 15.614. A TV interface device that has been authorized as such prior to April 28, 1983 by a grant of a waiver of the Rules may continue to be marketed and operated under the provisions of this Subpart without further action on the part of the grantee.

[FR Doc. 83-7151 Filed 3-28-83; 8:45 am]

BILLING CODE 6712-01-M

**INTERSTATE COMMERCE
COMMISSION**

49 CFR Ch. X

[Ex Parte No. 55; Sub-No. 55]

**Revision and Redesignation of Rules
of Practice; Correction**

AGENCY: Interstate Commerce
Commission.

ACTION: Final rules; correction.

SUMMARY: At 47 FR 49534, November 1, 1982, the Commission published rules revising and redesignating all of its procedural regulations governing the conduct of formal cases which come before it for decision. That document contained inadvertent errors that this document corrects, as set forth below.

FOR FURTHER INFORMATION CONTACT:

James H. Bayne, (202) 275-7429

or

Kathleen M. King, (202) 275-0976

SUPPLEMENTARY INFORMATION: Title 49 of the CFR is corrected by correcting the document published at 47 FR 49534-49597 as follows:

**PART 1118—PROCEDURES IN
INFORMAL PROCEEDINGS BEFORE
CERTAIN EMPLOYEE BOARDS**

§ 1118.1 [Corrected]

1. The newly redesignated and revised § 1118.1 on page 49569 is corrected by removing "Finance Board," from the first sentence.

§ 1118.4 [Corrected]

2. The newly redesignated and revised § 1118.4 on page 49569 is corrected by removing the first sentence following the heading, and the word "other" from the second sentence following the heading.

**PART 1175—ISSUANCE OF
SECURITIES AND ASSUMPTION OF
OBLIGATIONS AND LIABILITIES**

3. Amendatory instructions (155) and (155A) appearing on pages 49590 and 49591, and corrected at 47 FR 54082, December 1, 1982, are corrected to read as follows:

§ 1175.5 [Amended]

155. In the newly redesignated § 1175.5, the statutory references are revised to read as follows:

(a) In paragraph (a), "paragraph (5) of section 20a of the Act" is revised to read "49 U.S.C. 11301(c)."

(b) In paragraph (b), "paragraph (5) of section 20a" is revised to read "49 U.S.C. 11301(c)."

§ 1175.6 [Amended]

155A. In the newly redesignated § 1175.6, the statutory references are revised to read as follows:

(a) In paragraph (a), "paragraph (9) of section 20a of the Act" is revised to read "49 U.S.C. 11301(b)(2)."

(b) In paragraph (c), "paragraph (9) of section 20a and in the proviso of section 214" is revised to read "49 U.S.C. 11301(b)(2) and 11302(b)."

(c) In paragraph (d), "section 214" is revised to read "49 U.S.C. 11302."

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7907 Filed 3-28-83; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[13th Res. S.O. No. 1474, Amdt. No. 1]

**Various Railroads Authorized To Use
Tracks and/or Facilities of Chicago,
Milwaukee, St. Paul & Pacific Railroad
Co., Debtor (Richard B. Ogilvie,
Trustee)**

AGENCY: Interstate Commerce
Commission.

ACTION: Amendment No. 1 To Thirteenth
Revised Service Order No. 1474.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96-254, this order authorizes various railroads to provide interim service over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie), Trustee, and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE: 11:59 p.m., March 31, 1983, and continuing in effect until 11:59 p.m., June 30, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:
M. F. Clemens, Jr., (202) 275-7840 or 275-1559.

Decided: March 23, 1983.

Upon further consideration of Thirteenth Revised Service Order No. 1474 (48 FR 6989), and good cause appearing therefor:

It is ordered.

§ 1033.1474 [Service Order 1474].

Various railroads authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific

Railroad Company, debtor (Richard B. Ogilvie, Trustee).

Thirteenth Revised Service Order No. 1474 is amended by revising paragraph (n) to read as follows:

(n) *Expiration date.* The provisions of this order are extended for an additional ninety (90) days, and shall expire at 11:59 p.m., June 30, 1983, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1983.

This action is taken under authority of 49 U.S.C. 10304-10305 and Section 122, Public Law 96-254.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

List of Subjects in 49 CFR Part 1033

Railroads.

By the Commission. Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien. Agatha L. Mergenovich, Secretary.

[FR Doc. 83-7906 Filed 3-28-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric
Administration**

50 CFR Parts 611 and 663

[Docket No. 2901-176]

Pacific Coast Groundfish Fishery

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

ACTION: Final rule; corrections.

SUMMARY: NOAA issues this document to make necessary corrections of technical and typographical errors in the final rule published on October 5, 1982 (47 FR 43964) to implement the Pacific Coast Groundfish Fishery Management Plan.

EFFECTIVE DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT:

H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98115, 206-527-6150.

SUPPLEMENTARY INFORMATION: NOAA published a final rule on October 5, 1982 (47 FR 43964) to implement the Pacific Coast Groundfish Fishery Management Plan. The final rule as published contained certain minor technical and typographical errors. Most such errors were of such little substance that no action is being taken to correct them (although corrections will be made in copies of the regulations which are being printed by the Northwest Regional Office, National Marine Fisheries Service). The more necessary corrections in the preamble and regulatory text are made by this final rule.

Users are referred to the document FR 82-27291 appearing on page 43964 in the issue of October 5, 1982. The preamble is corrected as follows:

1. On page 43968, the fourth sentence in the third column is clarified to read: "A foreign vessel captain is not required to understand the biological rationale for closing a fishery, and is most concerned with whether the fishery is opened or closed."

2. Table 2 on page 43969 is corrected so that the total allowable level of foreign fishing (TALFF) designation for Pacific whiting reads "35.5" rather than "35.0".

Dated: March 22, 1983.

Carmen J. Blondin,

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

PART 611—[AMENDED]

Accordingly, NOAA is correcting 50 CFR Parts 611 and 663 as follows:

1. The authority citation for Part 611 reads as follows:

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

§ 611.70 [Corrected].

a. Page 43973, under § 611.70(j)(5)(x) "or directed species" should be changed to "of directed species".

b. On page 43973, under § 611.70(j)(7)(ii), the heading of the example Telex report should be changed and the report reorganized so that the area code 72 is moved to the beginning of the last line to read as follows:

RECREP

NAVIS/LT820001A/0612//

71//704/156.3//849/.2//208/27.0//499/

.1//

499/4.9DISCARD//V4/R26//

72//704/8.0//V1/R2//

PART 663—[AMENDED]

2. The authority citation for Part 663 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 663.2 [Corrected]

a. On page 43974, under the fishing gear definitions, the heading of § 663.2 (j) is missing the word "trawl" and is changed to read: "Pelagic (midwater or off-bottom) trawl."

b. On page 43974, under the fishing gear definitions in § 663.2 (o) *Spear*, the word "barded" is changed to "barbed".

c. On page 43975, under the definition for *trip limit*, reference to round weight was deleted. The complete definition is changed to read as follows:

Trip limit means the total allowable amount of a groundfish species or species complex by weight, or by percentage of weight of fish on board, which may be landed from a single fishing trip. All weights are in round weight (the weight of the whole fish) unless specified otherwise.

§ 663.5 [Corrected]

d. On page 43976, under § 663.5(a)(5), *Conception*, change "(i) Northern limit: 36°30' N. latitude" to "(i) Northern limit: 36°00' N. latitude".

§ 663.7 [Corrected]

e. On page 43976, under § 663.7—General prohibitions, "and EFP" in § 663.7(m) is changed to read "an EFP".

§ 663.10 [Corrected]

f. On page 43977, under § 663.10(b)(5)(iii), the spelling "Cost Guard" is changed to "Coast Guard".

g. On page 43977, Under § 663.10(c)(1)(i), the word "target" is changed to "directed".

§ 663.22 [Corrected]

h. On page 43978, under § 663.22(b)(1)(i), the first word is changed from "Exploitable" to "Exploitable".

§ 663.23 [Corrected]

i. On page 43978, under § 663.23(a), the last word on the page is changed from "ae" to "are".

§ 663.24 [Corrected]

j. On page 43979, under § 663.24(b)(1)(i), the word "planning" is changed to "planned".

§ 663.26 [Corrected]

k. On page 43979, under § 663.26(a), the word and comma "gillnet," are removed.

l. On page 43979, under § 663.26(b)(2), the table of "Minimum trawl mesh size"

is changed by extending the heading "Subarea" across all five subarea columns, rather than just across the Columbia and Eureka columns.

§ 663.27 [Corrected]

m. On page 43980, under § 663.27(a), the spelling of the word "multiplied" is changed to "multiplied".

n. On page 43980, under § 663.27(b)(3), reference to a "notice of closure" is inaccurate and the phrase "notice of closure" is changed to the word "notice".

[FR Doc. 83-7918 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 652

[Docket No. 30318-41]

Atlantic Surf Clam and Ocean Quahog Fisheries; Reduction in Fishing Time

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

ACTION: Rule-related notice.

SUMMARY: NOAA reduces allowable surf clam fishing time in the New England area to 12 hours per week. The action is necessary to reduce the possibility of a lengthy fishery closure which might otherwise be necessary to keep from exceeding the annual quota for the area. The action is intended to reduce the rate of harvest from the fishery.

EFFECTIVE DATE: April 1, 1983.

ADDRESS: Fishing periods may be selected by writing to Bruce Nicholls, Northeast Region, National Marine Fisheries Service (NMFS), State Fish Pier, Gloucester, Massachusetts 01930-3097.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls, 617-281-3600.

SUPPLEMENTARY INFORMATION: The regulations implementing Amendment 3 to the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) contain at § 652.21 a procedure for establishing annual quotas for each of the fisheries managed under the FMP. A quota of 100,000 bushels of surf clams was established for 1983 for the New England area under that procedure, and was published in final form on February 28, 1983 (48 FR 8283).

The regulations implementing Amendment 3 to the FMP also require, as provided in § 652.22(b)(2), that the Director, Northeast Region, NMFS (Regional Director), monitor harvests of surf clams in the New England area, and

When 50 percent of the quota has been taken the Regional Director, on review of available information and public comment, shall determine whether the total catch of surf clams during the remainder of the year will exceed the annual quota. If the Regional Director determines that the quota probably will be exceeded, NOAA may reduce the number of days per week, or establish authorized periods, during which fishing for surf clams is allowed.

The surf clam fishery in the New England area has traditionally produced low harvests. In the past two years, increasing interest in the fishery has been apparent on the part of New England fishermen seeking to develop the fishery, and on the part of mid-Atlantic surf clam operators who are attracted to the area because regulations similar to those imposed in the mid-Atlantic have not been imposed in the New England area. In 1982, significant fishing pressure was exerted in the New England area, and landings from the fishery, which occurred in waters under the jurisdiction of State and Federal fishery management programs, were significantly higher than historical landings.

In response to this apparent development of the fishery, the quota for surf clams taken in the New England area was increased for 1983 to the upper bound of the range defined as optimum yield for the fishery. Operators from the mid-Atlantic have again in 1983 been attracted to the New England area, and their fishing effort has resulted in landings averaging over 10,000 bushels per week. The Regional Director has closely monitored landings, and determined that on or before March 18, 1983, 50 percent of the New England

area surf clam quota was taken. Without action to reduce harvest rates, the fishery can be expected to proceed at removal levels of 10,000 bushels weekly or more, resulting in exhaustion of the quota and fishery closure within the next two months. This fishery is generally conducted throughout the calendar year. The Regional Director has therefore determined to reduce the number of days per week when surf clam fishing is allowed in the New England area to reduce the likelihood of a lengthy fishery closure.

This situation has been a matter of concern to New England surf clam fishermen, who generally support the action to reduce allowable surf clam fishing time so that their fishery can be spread over the entire year. At its meeting in February, the New England Fishery Management Council expressed its concern about the rate of harvest of surf clams from the New England area, and encouraged the Regional Director to use his authority to control fishery harvests.

Fishing time restrictions have been imposed in the mid-Atlantic area since the implementation of the FMP in 1977. Such restrictions have not recently been applied to the New England area, and operators in the area in most cases have not selected authorized fishing periods. Recognizing this, but also recognizing the need for immediate control of the fishery, the Regional Director has established a fishing period for operators who have not previously selected a fishing period. Such operators may fish for surf clams on Tuesdays, between 0600 hours and 1800 hours. Any operator who wishes to select a fishing period to accommodate a different schedule may do so by identifying his

selection in writing to the Regional Director, at the address given above. Operators identifying a selection should indicate their preferred schedule for fishing weeks of 12, 24, 36 and 48 hours. The fishing week for surf clams begins at 0001 hours Sunday and runs through 1800 hours Thursday. Fishing periods must end at 1800 hours, and can be 12, 18, 24, 36 or 48 hours in length. Administrative procedures for changing fishing periods and presumptions for enforcement of fishing times are identical to those contained in the surf clam fishery regulations, § 652.22(a)(2). Vessels which currently hold a letter of authorization for surf clam fishing time must fish on the period they have selected for a 12-hour fishing week if they operate in the New England area. Any such vessel that fishes in the New England area for any part of a fishing week may not during that week engage in further fishing for surf clams in the FCZ.

This action is taken under the authority of 50 CFR Part 652, and is taken in compliance with Executive Order 12291.

[16 U.S.C. 1801 *et seq.*]

List of Subjects in 50 CFR Part 652

Administrative practice and procedure, Fish, Fisheries, Reporting and recordkeeping requirements.

Dated: March 22, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-7919 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 48, No. 61

Tuesday, March 29, 1983

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1049

Milk in the Indiana Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend for April through December 1983 the seasonal producer payment plan (Louisville plan) under the Indiana Federal milk order that was designed to encourage dairy farmers to maintain relatively level production throughout the year. The action was requested by Hoosier Milk Marketing Agency, Inc., a federation of cooperative associations representing producers supplying milk to the market. The federation states that the suspension is needed to maintain an appropriate alignment of producer prices with other markets.

DATE: Comments are due on or before April 5, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order

12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the completion of the required suspension procedures and the inclusion of April 1983 in the suspension period if this is found necessary. The initial request for the action was received on March 15, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on dairy farmers and would not affect milk handlers.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Indiana marketing area is being considered for April through December 1983:

In § 1049.61, paragraph (f), the words "For the months of January through March and August," and all of paragraphs (g) through (j).

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this notice in the Federal Register. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include April 1983 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would make inoperative for 1983 the provisions of the Indiana milk order that contain the seasonal producer payment plan, or "Louisville" plan, for the order. Under those provisions, 20 cents per hundredweight of producer milk is deducted from the pooled value of milk

in computing the uniform prices to producers during the months of April through July. The monies then are added to the pool funds in computing the uniform prices to producers for each month of September through December. This payment plan is intended to encourage relatively level milk production throughout the year.

Suspension of the Louisville plan for 1983 was requested by Hoosier Milk Marketing Agency, Inc., a federation of cooperative associations representing most of the producers supplying the market. In supporting its request, the federation states that without the suspension, a misalignment of producer pay prices would occur as a result of proposed suspensions for similar plans in the neighboring Ohio Valley and Louisville-Lexington-Evansville milk orders. According to the federation, producers shipping to handlers regulated by the Indiana, Louisville-Lexington-Evansville, and Ohio Valley orders are intermingled. A misalignment of pay prices among them could result in disorderly marketing as producers change markets for temporary gains.

The federation also claims that the seasonal payment plan has not achieved relatively level production to the extent desired by the federation because the seasonal adjustment has become a smaller percentage of the total price received by producers. In June 1975, the 20-cent "take-out" represented 2.6 percent of the blend price paid to producers in Indiana. In June 1982, the same deduction was 1.5 percent of the blend price.

For the foregoing reasons, the federation of cooperatives proposes that the provisions of the Louisville plan be suspended from the Indiana milk order for 1983.

List of Subjects in 7 CFR Part 1049

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C. on March 24, 1983.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-8038 Filed 3-28-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-82-82]

Calculation of Over-Issuance and Cumulative Cash Flow Deficit Under the Arbitrage Bond Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 103(c) of the Internal Revenue Code of 1954. The amendments are proposed to clarify and correct the arbitrage bond regulations relating to over-issuance and cumulative cash flow deficit. They affect purchasers and governmental issuers of tax-exempt obligations.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 31, 1983. The amendments are proposed to be effective for governmental obligations sold after April 28, 1983 unless the issuer demonstrates to the satisfaction of the Commissioner that as of March 29, 1983 there was a significant financial commitment to issue the obligations.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, (LR-82-82) Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Harold T. Flanagan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:**Background**

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 103(c) of the Internal Revenue Code of 1954. The amendments are proposed to clarify and correct the arbitrage bond regulations and are issued under the authority contained in sections 103 (c)(6) and 7805 of such Code (83 Stat. 657, 26 U.S.C. 103; 68A Stat. 917, 26 U.S.C. 7805).

Section 103(a)(1) of the Internal Revenue Code provides that gross income generally does not include interest on obligations of a State or political subdivision thereof. However, under section 103(c)(1) of the Code, as added by the Tax Reform Act of 1969, interest on an arbitrage bond must be

included in gross income. As generally defined, an arbitrage bond is an obligation that is part of an issue of obligations all or a major portion of the proceeds of which are reasonably expected to be used directly or indirectly (A) to acquire securities or obligations that may be expected to produce a yield over the term of the governmental issue that is materially higher than the yield on such issue; or (B) to replace funds which were used directly or indirectly to acquire securities or obligations described in (A).

Explanation of Provisions

The notice of proposed rulemaking would amend the rules relating to over-issuance set forth in § 1.103-13(b)(5)(iv). The proposed rule would clarify that in determining whether an issue is an over-issuance, the issuer shall take into consideration any investment proceeds earned on acquired obligations.

Further, the notice of proposed rulemaking would amend § 1.103-13(c)(1)(ii) (relating to computation of yield) by removing the statement that yield on acquired obligations held during a temporary period need not be computed. The amendment would clarify the rules so as to more closely conform such rules to the proposed amendment relating to the definition of "over-issuance".

The notice also would amend § 1.103-14(c) to provide that in calculating the maximum cumulative cash flow deficit to be financed with tax and other revenue anticipation notes, the amount of such obligations shall not exceed 105 percent of the cumulative cash deficit. The notice correspondingly amends the example in § 1.103-14(c)(4).

Comments and Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request made to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Pursuant to 5

U.S.C. 605(b) the Secretary of the Treasury has certified that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Analysis is not required.

Drafting Information

The principal author of this proposed regulation is Harold T. Flanagan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.61-1—1.281-4

Income taxes, Taxable income, Deductions, Exemptions, Arbitrage bonds.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Paragraph 1. Paragraph (b)(5)(iv) of § 1.103-13 is amended by revising the first sentence thereof to read as follows:

§ 1.103-13 Arbitrage bonds.

- * * * * *
- (b) Definitions. * * *
- (5) Materially higher. * * *
- (iv) If it is reasonably expected that the original proceeds and investment proceeds of an issue will exceed the amount necessary for the governmental purpose or purposes of the issue by more than 5 percent of such amount, the rules of this subdivision shall apply in lieu of the provisions of paragraph (b)(5)(i) and (iii) of this section. * * *
- * * * * *

Par. 2. Paragraph (c)(1)(ii) of § 1.103-13 is amended by removing "No yield computation need be made with respect to an acquired obligation while such obligation is held during the temporary period or periods referred to in paragraph (b) or (e) of § 1.103-14, since yield allocable to such temporary period or periods is disregarded in determining whether a governmental obligation is an arbitrage bond. However, in the case of an acquired obligation which is held during and after a temporary period, if the yield applicable to the temporary period exceeds the yield of a comparable obligation that could be acquired and held only during such temporary period, then the computation

of yield on such acquired obligation must be made by taking into account the yield allocable to such temporary period of periods. No computation need be made with respect to acquired obligations which represent a reasonably required reserve or replacement fund under paragraph (d) or (e) of § 1.103-14 or represent investments of less than a major portion of the proceeds within the meaning of this section or paragraph (e) of § 1.103-14." and inserting the following in lieu thereof, "Except for purposes of § 1.103-13 (b)(5)(iv) (relating to over-issuance) yield of an acquired obligation allocable to a temporary period or periods referred to in paragraph (b) or (e) of § 1.103-14, to a reasonably required reserve or replacement fund under paragraph (d) or (e) of § 1.103-14, or to investments of less than a major portion of the proceeds within the meaning of paragraph (b)(1) of this section or paragraph (e) of § 1.103-14 is disregarded in determining whether a governmental obligation is an arbitrage bond. However, in the case of an acquired obligation which is held during and after a temporary period, if the yield applicable to the temporary period exceeds the yield of a comparable obligation that could be acquired and held only during such temporary period, then the computation of yield on such acquired obligation must be made by taking into account the yield allocable to any temporary period or periods."

Par. 3. Paragraph (c)(4)(iii) of § 1.103-13 is amended by removing "Since the yield on the acquired obligation allocable to the temporary period does not exceed the current market true yield on a comparable acquired obligation held for a 3-year period, no yield computation need be made with respect to such acquired obligation while it is held during the 3-year temporary period." and inserting in lieu thereof, "Since the yield on the acquired obligation allocable to the temporary period does not exceed the current market true yield on a comparable acquired obligation held for a 3-year period, the yield on such obligation is disregarded (other than for purposes of § 1.103-13(b)(5)(iv) (relating to overissuance)) in determining whether the yield on the acquired obligation is materially higher than the yield on the governmental obligation."

Par. 4. Paragraph (j) of § 1.103-13 is amended by revising Example (3) to read as follows:

(j) *Artifice or device.* * * *

Example (3). On January 1, 1984, city L sells \$10 million of tax anticipation notes. For purposes of determining the cumulative cash flow deficit on January 1, 1985, city L assumes

that 5 percent of the cumulative deficit is reasonably required as a cash balance. See § 1.103-14(c)(2). City L conducts no investigation into its actual cash balance requirements. Therefore, city L is unable to ascertain whether 5-percent of the cumulative deficit is, in fact, a reasonable balance. City L has not used an artifice or device in connection with the tax anticipation notes. The purpose of the 5-percent figure in § 1.103-14(c)(2)(ii) is to eliminate the need for city L to conduct an investigation of its cash balance requirements.

Par. 5. Paragraph (c) of § 1.103-14 is amended by revising paragraphs (2), (3) and (4) to read as follows:

§ 1.103-14 **Temporary investments, reserve funds, and refunding issues.**

(c) *Tax and other revenues anticipation notes—(1) In general.*

(2) *Cumulative cash flow deficit.* For purposes of this subparagraph, the cumulative cash flow deficit at any time during a period is an amount equal to:

(i) The amount that the issuing State or local governmental unit will expend from the beginning of such period to such computation date to pay expenditures which would ordinarily be paid out of or financed by the anticipated tax or other revenues, plus

(ii) The amount reasonably required by the issuer as a cash balance on hand at all times (an amount equal to 5 percent of the cumulative deficit computed in accordance with subdivisions (i) and (iii) of § 1.103-14 (c)(2) being deemed to be reasonably required for this purpose), minus

(iii) The sum of the amounts (other than the proceeds of the issue in question), whether in the form of cash, marketable securities, or otherwise which will be available for the payment of such expenditures from the beginning of such period to such time.

(3) *Amount available for payment.* For purposes of paragraph (c)(2)(iii) of this section, amounts in accounts will be considered to be available for the payment of such expenditures to the extent that such accounts may without legislative or judicial action, be invaded to pay such expenditures without a legislative, judicial, or contractual requirement that such accounts be reimbursed.

(4) *Example.* The following example illustrates the provisions of this paragraph:

Example. County B plans to issue 13-month tax anticipation notes on July 1, 1983, in anticipation of income tax revenues in the amount of \$4 million to be received on March 1, 1984, and real property tax revenues in the amount of \$8 million to be received on May 1,

1984. Assume that all receipts will be received on the first day of each month. The maximum amount of such notes which may be issued pursuant to the provisions of subparagraph (3) of this paragraph may be determined in accordance with the following table on the basis of the facts assumed:

| | Estimated expenditures | Estimated receipts ¹ | Cumulative surplus (or deficit) at end of month ² |
|-----------|------------------------|---------------------------------|--|
| June | | | \$2,000,000 |
| July | \$750,000 | \$40,000 | 1,190,000 |
| August | 800,000 | 36,450 | 426,450 |
| September | 1,100,000 | 32,132 | (641,418) |
| October | 1,250,000 | 26,782 | (1,864,636) |
| November | 1,000,000 | 20,576 | (2,844,060) |
| December | 800,000 | 15,779 | (3,628,281) |
| January | 1,100,000 | 11,858 | (4,716,423) |
| February | 1,280,994 | 6,417 | (5,991,003) |
| March | 1,000,000 | 4,020,000 | (2,971,000) |
| April | 1,535,100 | 15,100 | (4,491,000) |
| May | 975,000 | 8,475,000 | 3,009,000 |
| June | 1,515,000 | 15,000 | 1,509,000 |

¹ Tax receipts plus proceeds from investments.
² Does not include amount of reasonably required cash balance.

The maximum cumulative deficit is \$6,290,550 which occurs at the end of February (*i.e.*, \$5,991,000 cumulative deficit at the end of February plus \$299,550 reasonably required as a cash balance on hand (5 percent of the cumulative deficit)). Thus, an investment of the proceeds of the county B notes will be an investment for a temporary period if such notes are not issued in an amount (including investment proceeds) in excess of \$6,290,550.

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

[FR Doc. 83-7932 Filed 3-28-83; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 62

[NC-005; A-4-FRL 2319-1]

Approval and Promulgation of Implementation Plans Approval and promulgation of State Plans for Designated Facilities and Pollutants; North Carolina: Stack Height Regulation, Section 111(d) Plan for TRS From Kraft Pulp Mills

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA today proposes to approve a stack height regulation and other State Implementation Plan (SIP) revisions submitted by the State of North Carolina, as well as a plan which the State developed pursuant to § 111(d) of the Clean Air Act for the control of total reduced sulfur (TRS) from kraft pulp mills. The public is invited to

submit written comments on this proposal.

DATE: Written comments must reach us by April 28, 1983, to be considered.

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

Environmental Protection Agency,
Region IV, Air Management Branch,
345 Courtland Street, N.E., Atlanta,
Georgia 30365

Division of Environmental Management,
North Carolina Department of Natural
Resources and Community
Development, Archdale Building, 512
N. Salisbury Street, Raleigh, North
Carolina 27611

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

SUPPLEMENTARY INFORMATION: On May 2, 1980, the North Carolina Division of Environmental Management submitted for EPA's approval a plan for the control or TRS from kraft pulp mills, as required by EPA regulations implementing section 111(d) of the Clean Air Act. On September 24, 1982, the State submitted changes in this plan, a stack height regulation, and other changes in the North Carolina air pollution control regulations. EPA today proposes to approve this section 111(d) plan and SIP revisions. For the convenience of the reader, the materials will be described in the order they appear in the State regulations.

Regulation 15 NCAC 2D.0501, Compliance with Emission Control Standards. Test methods for TRS are added—EPA method 16 and proposed method 16A. This change was requested by EPA to remedy a deficiency in the section 111(d) plan for TRS as initially submitted.

Regulation 15 NCAC 2D.0524, New Source Performance Standards. Federal standards for six categories of new stationary sources are added to the list in this regulation. The State requested a delegation of authority to administer these standards. The request was granted by EPA on October 19, 1982.

Regulation 15 NCAC 2D.0528, Total Reduced Sulfur from Kraft Pulp Mills. This regulation sets the emission limits recommended in the EPA guideline document for various sources of TRS in kraft pulping operations. These limits call for substantial reductions by all of the State's five pulp mills. compliance schedules with increments of progress are set forth in 2D.0528(f); the compliance deadlines extend several months beyond those specified in EPA's guideline except in the case of recovery

furnaces. Optional compliance schedules are provided in 2D.0528(g) for sources which may have difficulty meeting the deadlines in 2D.0528(f); for sources other than recovery furnaces, these schedules extend final compliance for several months beyond the deadlines given in 2D.0528(f); to June 1986 for recovery furnaces, September 1984 for the lime kilns, and December 1982 for other covered sources. To minimize compliance difficulties further, the State provides in 2D.0528(h) for alternate compliance schedules to be approved if resulting emissions of TRS will be no greater than under paragraphs (f) and (g) and if the same increments of progress are included.

Regulation 15 NCAC 2D.0533, Stack Height. This new regulation is intended to meet the requirements which EPA promulgated on February 8, 1982 (47 FR 5868) to implement section 123 of the Clean Air Act. EPA's review of the regulation indicates that it meets the requirements of 40 CFR Part 51 except that it does not provide for an opportunity for a public hearing on fluid modeling demonstrations used to justify stack height credits in excess of two and one-half times the height of any nearby structure or terrain feature. EPA is proposing to approve the regulation with the understanding that the State will remedy this deficiency.

Regulation 15 NCAC 2D.0603, Sources Covered by National Standards. The list of sources required by Federal standards to monitor and report emissions is updated by adding four source categories for which EPA recently promulgated performance standards.

Action. EPA is today proposing to approve the North Carolina section 111(d) plan for TRS from kraft pulp mills. The Agency also proposes to approve the North Carolina stack height regulation provided the State corrects the deficiency noted above, and the other SIP revisions described in this notice.

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

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

List of Subjects in 40 CFR Parts 52 and 62

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

Hydrocarbons, Fluoride, Sulfurs,
Administrative practice and procedure,
Reporting and record keeping
requirements.

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

Dated: February 17, 1983.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 83-7862 Filed 3-28-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[A-5-FRL 3219-8]

Designation of Areas for Air Quality Planning Purposes; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to change the attainment status designation for air Quality Control Region 131 (comprised of the seven counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) in Minnesota relative to the total suspended particulate (TSP) National Ambient Air Quality Standards. The purpose of this notice is to discuss the results of EPA's review of the State's supporting data and to solicit comments on these data and EPA's proposed action.

DATE: Comments must be received by April 28, 1983.

ADDRESSES: Copies of the redesignation request and the supporting data are available at the following addresses.
Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Minnesota Pollution Control Agency,
1935 West County Road B-2,
Roseville, Minnesota 55113

Written comments on this action should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Delores Sieja at the EPA, Region V, address above or call (312) 886-6038.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act). This section directed each state to submit to the Administrator of EPA a list of the attainment status for all areas within the state. The Administrator was required to

promulgate the state lists, with any necessary modifications. The Administrator published these lists in the *Federal Register* on March 3, 1978 (43 FR 8962), and made necessary amendments in the *Federal Register* on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation. EPA may redesignate an area to attainment if it is supported by all available data including eight consecutive quarters of the most recent, quality assured, representative ambient air quality data which show no violation of the National Ambient Air Quality Standards (NAAQS).

On March 3, 1978 (43 FR 9005), EPA designated Air Quality Control Region (AQCR) 131 (comprised of the seven counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington) as nonattainment of the primary NAAQS for total suspended particulates. On August 24, 1982, the Minnesota Pollution Control Agency (MPCA) requested that the primary nonattainment area of AQCR 131 be reduced in size and the remainder of the AQCR be either designated secondary nonattainment or attainment.

To support the request, the State referenced a contractor report entitled "Technical Support Document for the Redesignation of the AQCR 131 Nonattainment Boundaries for TSP (Minneapolis/St. Paul)," dated June, 1982. This report examines monitoring data for 1980 and 1981 and includes an analysis of the most recent modeling study performed by the State as part of its Part D State Implementation Work for AQCR 131. The State relied on the results of the contractor report, with a few exceptions, as the basis for their redesignation request. (For some areas the State's interpretation of the monitoring data differs from the contractor's findings.) On November 2, 1982, the State submitted additional modeling data.

Following is the State's requested redesignation of the seven counties and EPA's evaluation of the redesignation based on the support data.

I. Anoka County

• Requested Redesignation

Cities of Fridley, Columbia Heights, Hill Top, and Spring Lake Park—Secondary Nonattainment.

Remainder of the County—Attainment.

• EPA's Evaluation

Violations of the secondary NAAQS for TSP were recorded at Monitor 907 in

northern Minneapolis in 1980. The requested nonattainment area includes the area around this monitor, including the Cities of Fridley, Columbia Heights, Hill Top and Spring Lake Park. For the remainder of Anoka County, the State's modeling indicates concentrations well below the NAAQS. EPA, therefore, is proposing to approve the redesignation request.

II. Carver County

• Requested Redesignation

Entire County—Attainment.

• EPA's Evaluation

There are no major sources of TSP emissions in this county and the State's modeling indicates concentrations well below the NAAQS. EPA, therefore, is proposing to approve the redesignation request.

III. Dakota County

• Requested Redesignation

Cities of West St. Paul, South St. Paul, Mendota Heights, Sunfish Lake, Rosemount, Inver Grove Heights, Hastings, Mendota and Lilydale—Secondary Nonattainment.

Remainder of the County—Attainment.

• EPA's Evaluation

Violations of the secondary NAAQS for TSP were recorded at monitors 320, 420, 432 and 813 in 1980. The requested nonattainment area includes the area around these monitors, including the cities noted above. For the remainder of the County the State's modeling indicates concentrations well below the NAAQS. EPA, therefore, is proposing to approve the redesignation request.

IV. Hennepin County

• Requested Redesignation

Cities of Minneapolis and St. Louis Park—Primary Nonattainment.

Cities of Richfield, Edina, Golden Valley, New Hope, Crystal, Robbinsdale, Brooklyn Center and Brooklyn Park—Secondary Nonattainment.

Remainder of the county—Attainment.

• EPA's Evaluation

Violations of the primary NAAQS for TSP were recorded at Monitor 945 in 1980 and 1981 in the City of Minneapolis and at Monitor 251 in 1980 in the city of St. Louis Park. Violations of the secondary NAAQS for TSP were recorded at Monitor 907 in 1980 in the cities of Golden Valley, New Hope, Crystal, Robbinsdale, Brooklyn Center and Brooklyn Park. The requested

primary and secondary nonattainment areas include the areas around these monitors and the above mentioned cities. EPA believes the requested nonattainment designations for the above cities are appropriate based on available modeling and monitoring data and is proposing to approve these redesignations.

Violations of the primary and secondary NAAQS for TSP were recorded at Monitor 941 in Richfield in 1980. However, this monitor did not meet EPA siting criteria and, thus, the data cannot be used for redesignation purposes. Consequently, the State had to rely on its modeling as the basis for the proposed secondary nonattainment designation for the Cities of Richfield and Edina. Since the modeling supports this designation, EPA is also proposing to approve the redesignation of these two cities.

For the remainder of Hennepin County the State's modeling indicates that the concentrations are well below the NAAQS. Thus, an attainment classification is appropriate.

V. Ramsey County

• Requested Redesignation

City of St. Paul—Primary Nonattainment.

Cities of North Oaks, White Bear and White Bear Lake—Attainment.

Remainder of the County—Secondary Nonattainment.

• EPA's Evaluation

Violations of the primary NAAQS for TSP were recorded at Monitor 801 in 1980 and at Monitor 817 in 1980 and 1981 in the City of St. Paul. EPA notes that Monitors 813 and 816 are the only two monitors located in the part of St. Paul south of the Mississippi River. Violations of the Secondary NAAQS for TSP were recorded only at Monitor 813 in 1980. However, the State has proposed that all of St. Paul be designated as primary nonattainment because of their desire to use political city boundaries for air management purposes. This is acceptable to EPA and, therefore, EPA is proposing to approve the redesignation request for the entire City of St. Paul.

For the remainder of Ramsey County, with the exception of the Cities of North Oaks, White Bear and White Bear Lake, violations of the secondary NAAQS for TSP were recorded at Monitors 820 and 839 in 1980. The proposed secondary nonattainment area includes the area around these monitors and, therefore, EPA is proposing to approve the

secondary nonattainment designation for these cities.

For the Cities of North Oaks, White Bear and White Bear Lake the State's modeling indicates concentrations well below the NAAQS. Therefore, EPA is also proposing to approve the attainment designation for these cities.

VI. Scott County

- *Requested Redesignation*
Entire County—Attainment.
- *EPA's Evaluation*

Inasmuch as the monitoring data for Scott County were limited and dated the State submitted additional modeling to more completely assess the current conditions in the County. There are several major TSP sources located in northern Scott County. The modeling results indicate that the ambient standards will not be threatened and support the designation of attainment. Therefore, EPA is proposing to approve the attainment designation for Scott County.

VII. Washington County

- *Requested Redesignation*

Cities of Oakdale, Newport, St. Paul Park, Cottage Grove and Grey Cloud Island—Secondary Nonattainment.

Remainder of the County—Attainment.

- *EPA's Evaluation*

Violations of the secondary NAAQS for TSP were recorded at Monitor 820 in 1980 and at Monitor 432 in 1980. The proposed nonattainment area includes the area around these monitors including the Cities of Oakdale, Newport, St. Paul Park and Cottage Grove. Therefore, EPA is proposing to approve the secondary nonattainment designation for these cities. However, for Grey Cloud Island there are no monitors in the immediate area and thus the State's modeling must be used to assess the attainment status of this area. Since the modeling supports a designation of secondary nonattainment, EPA, therefore, is proposing to approve the secondary nonattainment designation for Grey Cloud Island.

For the remainder of Washington County the monitoring data were very limited and dated. Thus, the State submitted additional modeling data to more completely assess the current conditions in this area, especially around Oak Park Heights. The modeling results indicate that the ambient standards are not being threatened and support the designation of attainment.

Therefore, EPA is proposing to approve the attainment designation for the remainder of Washington County.

Interested parties are invited to submit comments on this proposed approval. EPA will consider all comments received within 30 days of publication of this notice.

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

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

This notice is issued under section 107(d) of the Clean Air Act, as amended (42 U.S.C. 7407).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: March 1, 1983.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 83-9057 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 123

[SW-6-FRL 2332-1]

Hazardous Waste Management Program; Oklahoma Application for Interim Authorization, Phase II Component C

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and a public hearing.

SUMMARY: Today EPA is announcing the availability for public review of the Oklahoma application for Phase II, Component C, Interim Authorization, Hazardous Waste Management Program. This document is also inviting public comment, and giving notice that if significant public interest is expressed, EPA will hold a public hearing on the application.

DATE: If significant public interest is expressed in holding a hearing, a public hearing is scheduled for May 18, 1983, at 7:00 p.m. EPA reserves the right to cancel the public hearing if significant public interest in holding a hearing is not communicated to EPA by telephone or in writing by May 3, 1983. EPA will determine by May 6, 1983, whether there is significant interest to hold the public hearing. All written comments on the Oklahoma Interim Authorization

application must be received by the close of business on May 3, 1983. Persons wishing to find out whether or not EPA will hold a public hearing should write or telephone after May 6, 1983, the contact persons listed below.

ADDRESSES: If significant public interest is expressed, EPA will hold a public hearing on Oklahoma's application for Interim Authorization on May 18, 1983, at 7:00 p.m., at the Sequoyah Underground Auditorium, 2401 Lincoln Blvd., Oklahoma City, Oklahoma.

Written comments on the application and written or telephoned communication of interest in EPA's holding a public hearing on the Oklahoma application must be sent to: U.S. Environmental Protection Agency, Region 6, Air and Waste Management Division, Attn: H. J. Parr, Hazardous Materials Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2645.

Copies of the Oklahoma Interim Authorization application for Phase II Component C, are available during normal business hours at the following addresses for inspection and copying: Oklahoma State Department of Health, Waste Management Service, 1000 N.E. 10th Street, Room 803, Oklahoma City, Oklahoma 73105

Environmental Protection Agency, Region 6, Library, 28th Floor, 1201 Elm Street, Dallas, Texas 75270, (214) 767-7341

EPA Headquarters Library, 401 M St., SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: H. J. Parr, Hazardous Materials Branch, U.S. Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-2645.

Information regarding the public hearing, telephone H. A. Caves, Chief, Waste Management Service, Oklahoma State Department of Health, P.O. Box 53551, Oklahoma City, Oklahoma 73152, (405) 271-5338.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, Federal Register (45 FR 33063), the Environmental Protection Agency promulgated regulations, pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State program can be granted Interim

Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of Oklahoma received Interim Authorization for Phase I on January 14, 1981.

In the January 26, 1981 Federal Register (46 FR 7965), the Environmental Protection Agency announced the availability of portions or components of Phase II of Interim Authorization. Component A, published in the Federal Register January 12, 1981 (46 FR 2802), contains standards for permitting containers, tanks, surface impoundments and waste piles. Component B, published in the Federal Register January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators.

The State of Oklahoma received Interim Authorization for Phase II, Components A and B, on December 13, 1982.

In the July 26, 1982 Federal Register (47 FR 32378), the Environmental Protection Agency announced that states with qualified programs can be authorized for Phase II Interim Authorization, Component C. Component C published in the Federal Register includes standards for permitting of land disposal facilities.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123, Subpart F (45 FR 33479).

As noted in the May 19, 1980 Federal Register, copies of complete state submittals for Phase II Interim Authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—land, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business formation.

(Solid Waste Disposal Act, amended by Resource Conservation and Recovery Act of 1976 and Solid Waste Disposal Act Amendments of 1980, 42 U.S.C. 6901 et seq.)

Dated: March 21, 1983.

Dick Whittington,

Regional Administrator.

[FR Doc. 83-7858 Filed 3-28-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 83-115; ENF-83-5]

Bell Operating Co.; Furnishing of Customer Premises Equipment, Enhanced Services and Cellular Communications Services and North American Telecommunications Association; Requirements for Sale of Customer Premises Equipment

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has issued a Notice of Proposed Rulemaking that addresses the questions of whether, following divestiture, Bell Operating Companies' offerings of enhanced services, customer premises equipment or cellular communications services should be subject to structural separation requirements and, if so, whether the degree of separation currently prescribed by Commission Rules should be modified to accommodate the effects of the BOCs' divestiture. The purpose of this proceeding is to determine whether the divestiture's structural separation of AT&T's monopoly activities and competitive activities renders the Commission's structural separation requirements unnecessary or unduly burdensome to the divested operating companies. If so, the Commission's structural separation requirements may be relaxed, eliminated or otherwise modified.

DATES: Comments by interested parties are due on or before April 4, 1983; reply comments are due on or before May 4, 1983.

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

FOR FURTHER INFORMATION CONTACT: Paul B. Froyd, Common Carrier Bureau, (202) 632-4887.

Notice of Proposed Rulemaking

Adopted: February 17, 1983.

Released: March 4, 1983.

In the matter of Policy and Rules concerning the furnishing of customer premises equipment, enhanced services and cellular communications services by the Bell Operating Companies; CC Docket No. 83-115; North American Telecommunications Association; ENF-83-5; FCC 83-71; Petition for Declaratory Ruling on the requirements for sale of customer premises equipment by the Bell Operating Companies.

By the Commission: Commissioner Fogarty issuing a separate statement.

I. Introduction and Background

1. We hereby give notice of a proposed rulemaking, pursuant to Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, to determine whether and to what extent the structural separation conditions established in the Second Computer Inquiry (Computer II)¹ and the cellular communications systems proceedings² should be applicable to the Bell Operating Companies (BOCs) following their divestiture from the American Telephone and Telegraph Company (AT&T) in accordance with the 1982 Consent Decree.³ This proceeding will also treat the North American Telecommunications Association's (NATA's) Petition for Declaratory Ruling on the requirements for sale of customer premises equipment by the divested BOCs.

2. In Computer II, the Commission found that the provision of enhanced services and customer premises equipment (CPE) was not subject to regulation under Title II of the Communications Act of 1934, as amended, 47 U.S.C. 157, *et seq.* The Commission ordered communications common carriers to separate the offering of enhanced services and CPE from regulated communications offerings. The Computer II rules and policy prescribe two different sets of requirements for how carriers participate in the provision of CPE and enhanced services. AT&T is permitted to engage in these activities only through a separate subsidiary and subject to specific structural, accounting, and information flow requirements. Common carriers other than AT&T need not form separate subsidiaries but must maintain separate books of account for CPE and enhanced services. If these carriers use their own transmission capacity for their enhanced service offerings, they must obtain that capacity pursuant to the terms and conditions embodied in their tariffs.

3. AT&T has chosen to enter the unregulated CPE and enhanced services market through a single, national separate subsidiary, American Bell Inc. (AmBell). On June 10, 1982, the Commission approved AT&T's

¹77 FCC 2d 384 (Final Decision), *recon.*, 84 FCC 2d 50 (1980) (Reconsideration), *further recon.*, 88 FCC 2d 52 (1981), *aff'd sub nom.*, Computer and Communications Industry Association v. FCC, 693 F.2d 158 (D.C. Cir. 1982) (CCIA).

²Cellular Communications Systems, 86 FCC 2d 469 (1981), *recon.*, 89 FCC 2d 58, *recon.*, 90 FCC 2d 571 (1982), *appeal pending sub nom.* Millicom v. FCC, No. 81-1404 (D.C. Cir.).

³United States v. Western Electric, Civil Action No. 82-0192, slip op., released August 24, 1982 (D.D.C.).

capitalization plan for AmBell's provision of enhanced services. *Memorandum Opinion and Order*, 90 FCC 2d 404. On November 4, 1982 and December 29, 1982, the Commission approved requests by AT&T to further capitalize AmBell to provide new CPE and Picturephone Meeting Service (PMS). *Memorandum Opinion and Order*, FCC 82-496, released November 10, 1982; *Memorandum Opinion and Order*, Mimeo No. 1600, released December 30, 1982. AmBell now provides new CPE and enhanced services on an unregulated basis. The BOCs currently provide local exchange, some toll services and embedded CPE. On January 21, 1983, AT&T requested the Commission to approve the capitalization of AmBell to accept the transfer of the BOCs' embedded CPE to be offered on an unregulated basis. We are currently reviewing that request.

4. On January 8, 1982, AT&T and the Department of Justice entered into a proposed consent agreement to settle the Department's antitrust action against AT&T. In an August 8, 1982 opinion (Opinion), the presiding judge conditioned his acceptance of the consent agreement on AT&T and the Department of Justice agreeing to several specific modifications. On August 24, 1982, the judge entered the Consent decree incorporating the terms of the consent agreement and the court's modification.

5. The Consent Decree requires the divestiture of AT&T's local exchange services.⁴ This is to be accomplished by means of: (1) The transfer from AT&T to the BOCs of sufficient facilities, personnel, systems and rights to technical information to permit the BOCs to perform, independently of AT&T, exchange telecommunications, exchange access and printed directory functions, (2) the separation within the BOCs of all facilities, personnel and books of account between those relating to local exchange exchange access, and printed directory functions and those relating to other functions and (3) the spin off to the shareholders of AT&T of the ownership of the separated portions of the BOCs providing local exchange, exchange access, and printed directory services.⁵

⁴The term "local exchange service" as used in the Consent Decree has a significantly different meaning than it does in traditional common carrier parlance, encompassing a much broader area of operations. The term LATA (local access and transport area) is generally used in place of "exchange" for this reason.

⁵The Consent Decree does not require the divestiture of Cincinnati Bell Inc. or Southern New England Telephone, in which AT&T holds minority interests. In a separate action also taken today, we

6. The Consent Decree permits the ownership of individual BOCs, after divestiture, to be consolidated into one or more companies. In addition, the BOCs may support and share the costs of an organization for the provision of engineering, administrative and other services on a centralized basis. The BOCs also shall provide through a centralized organization a single point of contact for BOC coordination to meet the requirements of national security and emergency preparedness. Until September 1, 1987, AT&T and its subsidiaries, Western Electric (Western) and the Bell Telephone Laboratories (BTL) shall provide on a priority basis all research, development, manufacturing and other support services to enable the BOCs to fulfill the requirements of the Consent Decree.

7. The divested BOCs are required to provide to interexchange carriers and information service providers⁶ exchange and exchange access services on an unbundled, tariffed basis that is equal in type, quality and price to that provided AT&T. The BOCs shall not discriminate between AT&T and others in: (1) The procurement of products and services, (2) establishment and dissemination of technical information and procurement and interconnection standards, (3) charges for or interconnection and use of BOC telecommunications service and facilities, and (4) provision of new services or the planning of construction or modification of facilities for exchange access.

8. According to the January 8 consent agreement between the Department of Justice and AT&T, the BOCs were not to: (1) Provide interexchange telecommunications services or information services, (2) manufacture telecommunications products or customer premises equipment, or (3) provide any other product or service except exchange telecommunications and exchange access service that is not a natural monopoly service actually regulated by tariff. The presiding judge's August 11 modifications, *inter alia*, eliminated the agreement's prohibition on marketing of CPE by the BOCs. AT&T, however, will retain embedded CPE and all related assets. In brief, the

are determining the applicability of the structural separation requirements to these two companies.

⁶An "information service" is the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information which may be conveyed via telecommunications except that such service does not include any use of such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service. Consent Decree, Section IV, J.

divested BOCs will provide local exchange communications and exchange access in a regulated environment and may provide CPE in the competitive market once embedded CPE is transferred from the BOCs. The court noted its expectation that the BOCs would secure CPE from a number of suppliers. *Opinion, supra*, at 112, note 249. Nevertheless, it was silent concerning the relationship of the BOCs to Western Electric in its role of CPE manufacturer and to AmBell, AT&T's domestic retailer of CPE.

9. According to AT&T's Plan of Reorganization filed with the District Court on December 16, 1982, and subject to the court's approval, seven regional holding companies will hold all of the stock of the BOCs and each BOC will be wholly owned by a regional holding company. The regional companies will be independent of one another and of AT&T. Stock in each of the regional holding companies will be distributed to AT&T shareholders in amounts proportionate to their ownership in AT&T. Regions will be geographically contiguous. Each region will offer service to approximately the same number of customers and include approximately the same value of assets, number of employees and network access lines as each of the other regions. See Appendix A. Each regional company will hold one share of voting common stock in a central Staff organization and appoint one member of the Central Staff's board of directors. The Central Staff management will be under the direction of a chief executive officer selected by the board of directors.

10. The Central Staff will augment BOC capabilities with centralized resources necessary to offer exchange services. Initially, it will consist of more than 8000 employees and associated facilities, systems and rights to technical information. Among the assets to be transferred to the Central Staff are centrally developed AT&T computer systems, including network operations systems, procurement related systems, business information systems, other administrative systems and systems for solving technical or engineering management problems, including central office engineering maintenance, facility engineering, fundamental network planning and distribution of services planning.

11. In addition, AT&T will transfer to the Central Staff the personnel and assets associated with functions and services relating to the procurement of network facilities which have been performed centrally for the BOCs by

AT&T. It will also transfer to the Central Staff personnel and assets associated with other technical functions and services which the staff will perform on a centralized basis for all the regional companies. These functions and services include: (1) The planning, engineering and operation of network facilities; (2) the design of network configurations; (3) specification of performance standards and generic equipment standards; (4) research in communications technology; and (5) performance of central office engineering, records maintenance and installations.

12. In brief, it appears that the Central Staff will perform for each of the regional companies a broad range of functions pertaining to design and operation of exchange networks. Moreover, the Central Staff's board of directors will have the power to increase or reduce the Central Staff offering of services to the BOCs. The Plan of Reorganization appears to give the regional companies the latitude to allow the Central Staff to engage in CPE-related activities.

13. On November 30, 1982 NATA filed a Petition for Declaratory Ruling seeking a determination as to the structure under which the divested BOCs may offer CPE. NATA argues that after divestiture the BOCs will retain sufficient power that each independently would be able to "destroy" competition within its service region and thereby hinder competition nationally. NATA concludes that this power is so great that it can be properly limited only by conditioning the BOC's participation in the provision of CPE with a separate subsidiary structure. As in NATA's petition, the principal issue in this proceeding is whether the Computer II structural separation requirements should apply to the divested BOCs. We discuss this matter below, and we invite public comments. In addition, we also seek comment on whether the structural separation requirements adopted pursuant to the cellular proceedings should apply to the divested BOCs. Finally, we invite comment on whether, if we determine to maintain some structural separation, the Computer II or cellular separation requirements should be modified to accommodate the BOCs' changed circumstances.

II. Discussion

14. In Computer II we required that all carriers separate their provision of enhanced service and CPE from the common carrier offering of basic transmission capacity. While we imposed structural separation

requirements only on AT&T, all carriers owning transmission facilities are governed by this requirement. Enhanced services and CPE may only be offered on a non-tariffed basis separate from the carrier's tariffed offering of transparent basic transmission.⁷

15. The Consent Decree permits the BOCs to offer any services that fall within the definition of exchange telecommunications services but not information services.⁸ It is not clear that the scope of "information service" is congruent in all respects with our Computer II definition of enhanced services.⁹ The BOCs may be of the opinion that there are certain enhanced services that they could provide under Computer II which would not be barred under the Consent Decree.¹⁰ This would appear to be the case if, for example, an enhanced service constituted a telecommunications service as defined by the Decree. The BOCs are requested to state whether they intend to offer enhanced services as that term is defined in our Computer II decisions. Interested parties are invited to file comments on what structural separation requirements, if any should govern the divested BOCs' provision of enhanced services. If structural separation is not required, comments are sought on whether any other specific requirements should govern the BOCs' provision of enhanced services in addition to those general requirements currently applicable to all carriers.

⁷ To date we have only mandated the detariffing of new CPE. The manner and timing for the detariffing of embedded CPE is at issue in the *Implementation Proceedings*, 89 FCC 2d 694 (1982).

⁸ Under Section IV(c) of the decree "telecommunications" is defined as "the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received by means of electromagnetic transmission, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission." Also see note 6, *supra*, for the Consent Decree's definition of "information service."

⁹ Section 94.702(a) of the Commission's Rules and Regulations states the following:

" * * * the term 'enhanced service' shall refer to services, offered over common carrier transmission facilities used in interstate communications, which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide the subscriber additional, different, or restructured information; or involve subscriber interaction with stored information. Enhanced services are not regulated under Title II of the Act."

¹⁰ Compare Response of the United States to Public Comments on Proposed Modification of Final Judgment, May 20, 1982 at 49-50 (Department of Justice states that the BOCs would not be able to provide Custom Calling Services II) with AT&T, 88 FCC 2d 1 (1981) (the Commission finds Custom Calling Services II to be an enhanced service).

16. Unlike enhanced service, it is clear that divested BOCs may compete in the provision of CPE. Accordingly, we seek comment on the structure under which the divested BOCs should be permitted to offer CPE consistent with Computer II.

17. In our Computer II decisions, we stated that the primary benefits of structural separation are protection for the regulated ratepayer against cross-subsidy and protection for the general public against such anticompetitive activities as denial of network access and predatory pricing of unregulated offerings. *Final Decision* at 463. We recognized, however, that structural separation is not without its costs. These costs may include the capital costs of separation, economic inefficiencies, increased business risks and, for smaller carriers, more limited access to capital markets. *Id.* at 466. Because we did not wish to risk depriving the consumer of the benefit of a firm's entry into the competitive market, we chose to apply the separate subsidiary requirement only where essential to assure the objectives of the Act. *Reconsideration* at 72. We relied on four decisional factors in identifying the structural mechanism's applicability. They were:

(a) a carrier's ability to engage in anticompetitive activity through control over "bottleneck" facilities, i.e., local exchange and toll transmission facilities, on a broad national geographic basis; (b) a carrier's ability to engage in cross-subsidization to the detriment of the communications rate payer; (c) the integrated nature of the carrier and affiliated entities, with special emphasis upon research and development and manufacturing capabilities that are used in conjunction with, or are supported by, communications derived revenues; and (d) the carrier's possession of sufficient resources to enter the competitive market through a separate subsidiary.

Id. Below, we will discuss the above decisional factors with respect to the BOCs as a starting point for analysis of whether we will require a separate subsidiary structure for the BOCs.

18. *Control of Bottleneck Facilities.* We stated in the *Final Decision* at 468 that "the importance of the control of local facilities * * * cannot be overstated." With the passage of time, "the access bottleneck nature of the telephone local loop will take on greater significance." *Id.* Pursuant to the Consent Decree, each BOC will own substantial interexchange tool facilities within that company's post-divestiture service area, i.e., LATA. In addition, each BOC will be the dominant provider of exchange and exchange access service.

19. To warrant the application of a separate subsidiary requirement, control of bottleneck facilities must be on a "broad national geographic basis." *Reconsideration* at 72. Because the enhanced services and CPE markets are likely to be national in scope, a carrier is "unlikely to gain any significant competitive advantage by restricting the access of its competitors to a very limited network of underlying facilities." *Final Decision* at 468. Thus, a predicate for structural separation is sufficiently broad geographic control to permit effective anticompetitive practices. Table 1 indicates the service territories of each of the regional companies. In addition, the regional companies will perform, through their Central Staff, numerous network and central office functions including planning, design, engineering, operations, research and specification of standards. See para. 10-12, *supra*.

TABLE 1.—SERVICE TERRITORIES OF THE BOC'S BY REGION¹

| Region | Population in BOC's service territories | |
|---------------------------|--|----------------------|
| | Percent of population of States in which BOC's are located | Number (in millions) |
| Northeast | 92 | 25 |
| Mid-Atlantic | 84 | 27 |
| Southeast | 70 | 30 |
| Midwest | 74 | 30 |
| Southwest | 76 | 21 |
| Mountain and Great Plains | 78 | 22 |
| Far West | 78 | 20 |

¹Based on 1981 BOC configurations. Source: Plan of Reorganization, pp. 456-60. See generally Appendix A of this Notice.

20. Even if the divested BOCs were deemed to control bottleneck facilities on a broad national geographic basis, it is not clear that such control is sufficient to unfairly advantage the BOCs' untariffed, unbundled offering of CPE. First, the Commission's Part 68 registration program may provide ample assurance that independently produced CPE will obtain network interface equal to that of the carrier's products. Secondly, while carriers can manipulate the release of information concerning changes in network interface specifications, Computer II requires that information that would affect the manner in which CPE is connected to the network must be disclosed by all carriers owning basic transmission facilities to all interested persons on the same terms and conditions. *Final Decision* at 246; *Reconsideration* at 95. See also note 3, *supra*. These provisions apply regardless of whether the carrier is subject to separate subsidiary requirements.

21. *Ability to Cross-Subsidize.* Effective cross-subsidization of entry into the CPE market requires a large monopoly revenue base. See *Final Decision* at 468. Even if the BOCs' activities are limited to exchange and exchange access service, each of the divested BOCs would retain a monopoly revenue base. See Table 1, *supra*. Nevertheless, application of separate subsidiary requirements to the BOCs would be unnecessary if accounting methods could prevent cross-subsidization. This is among the purposes of conventional rate and service tariffing and of the separate books of account that Computer II requires of independent telephone companies. The control of cross-subsidy by accounting techniques is aided by the fact that there are few common equipment costs in the CPE and local exchange businesses. Equipment costs, however, do not exhaust the possible commonalities of the two lines of business. Under the Plan of Reorganization, the BOCs have the opportunity to intermingle network-related and CPE-related costs of, as examples, marketing, installation, maintenance, research and development as well as the Central Staff's general administrative, management and other overhead costs.

22. *Integration of Operations.* The third factor in determining the applicability of the structural separation requirements is the extent of integration of the carrier's activities with the activities of non-carrier affiliates. *Reconsideration* at 72. In our Computer II decisions, we were also concerned about the opportunities for cross-subsidization present in research, development and manufacturing activities that are supported by ratepayer revenues.

23. The extent of this concern is reduced by the terms of the divestiture which prohibit the BOCs' manufacture of CPE and telecommunications equipment. Under the Consent Decree, the BOCs may not control or be affiliated with a manufacturing operation. The consequent need to rely on unrelated manufacturing entities will diminish the BOCs' opportunities for cross-subsidization of CPE with network equipment requirements. In addition, AT&T states that the BOCs will make their own procurement decisions as they have in the past. *Plan of Reorganization* at 374.¹¹ On the other hand, the Plan of

¹¹For a discussion of AT&T procurement practices, see *Report and Order and Notice of Inquiry*, CC Docket No. 80-53, FCC 80-699, released July 28, 1981.

Reorganization states that the Central Staff will participate in the product selection and purchasing process to the extent that the Staff will provide the regional companies with advice and assistance in the form of technical evaluations of products or services. *Plan of Reorganization* at 376. The Central Staff will also provide to the regional companies procurement support functions including purchased products engineering, quality assurance, advice on disposition of surplus, technical information resource management and training. *Id.* at 379. The extent of this centralized, procurement-related involvement in the purchase of network CPE may have an important impact on the independence of individual BOC procurement decisions.

24. Also, the BOCs will remain integrated to the extent that they will conduct telecommunications research and development on a centralized basis. There is no explicit bar to the BOCs' conduct of CPE research and development on a similarly centralized basis. The BOCs' treatment of network R&D costs and CPE R&D costs, if any, cannot now be predicted.

25. *Resources.* In determining the extent of the separate subsidiary structure's applicability, we expressed concern that "the costs of separation are borne disproportionately by smaller companies due to indivisibilities * * * and that these * * * additional costs may foreclose entry into the enhanced service or CPE market for some carriers." *Reconsideration* at 74. Thus, we conclude that the disparity in size between AT&T and the independent telephone companies "leads to the result that the benefits of structural separation for AT&T are greater than the costs, while this calculus is reversed for the independent telephone companies." *Id.* As stated above, each of the regional companies is as small as the largest of the independents, all of which were exempted from structural requirements.

III. Issues for Comment

26. We have noted various factors considered by this Commission in the course of Computer II. Other factors may be relevant in considering whether the divested BOCs should be subject to structural separation requirements. Accordingly, parties are invited to comment on any other factors deemed relevant for our consideration in reaching a final determination on this subject. In addition to the foregoing, we specifically seek comments on the following:

(a) Whether a divested BOC should be subject to a separate subsidiary

requirement for the provision of enhanced services.

(b) Whether a divested BOC should be subject to a separate subsidiary requirement for the provision of CPE.

(c) Whether a divested BOC should be subject to a separate subsidiary requirement for the provision of cellular communications services.

(d) If structural separation is required for the BOCs' provision of either enhanced services, CPE, or cellular communications services or all of these, what separation requirements should govern the relationship between the subsidiary and affiliated entities in each case?

27. With the proceeding commenced today, we seek to determine whether, following divestiture, the structural separation requirements prescribed by § 64.702 of the Commission's Rules should be applied to the Bell Operating Companies. Also, in the course of this proceeding, we will consider, if any structural changes are necessary, whether changes are required to accommodate distinctive characteristics of the divested BOCs' size, operations, structure, role in the communications industry, relationships among themselves or with any other affiliate including the Central Staff, their relationships with AT&T or any of its affiliates or subsidiaries, or any other pertinent characteristics that may or may not appear in the above discussion. We invite members of the public to give the above matters their carefully considered comment.

IV. Regulatory Flexibility Act Certification

28. Pursuant to Section 605(b) of the Regulatory Flexibility Act (RFA), we hereby certify that this proceeding does not address a "proposed or final rule" that will "have a significant economic impact on a substantial number of small entities." The pertinent definition of "small entity" is "small business" which has the same meaning as "small business concern" under Section 3 of the Small Business Act. That section defines a small business concern as "one which is independently owned and operated and which is not dominant in its field of operation." 15 U.S.C. 632. At present, the BOCs are wholly owned facilities of the world's largest corporation. The divested BOCs will be wholly owned affiliates of regional companies, each one of which is in the top 30 of the Fortune 500. Each of the BOCs holds a legal monopoly for its authorized service area. Thus, a BOC is not a "small entity" within the meaning of Section 605(b) of the RFA.

29. In addition, no rules that may

arise out of this proceeding will impose any regulatory requirements on, require any action by or cause any direct impacts on any entities other than the BOCs. Thus, because the rules that are the concern of this proceeding are being considered only for application to large entities, the BOCs, there is no danger of violating the RFA's purpose of assuring that "laws and regulations designed for application to large scale entities [are not] applied uniformly to small businesses. 5 U.S.C. 601 note. To the extent this proceeding is designed to determine whether BOC operations are likely to be of a scale requiring structural separation, it shares with the Regulatory Flexibility Act the purpose of fit[ing] regulatory and informational requirements to the scale of the businesses * * * subject to regulation." *Id.*

V. Ex Parte Contact Requirements

30. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a *Notice of Proposed Rule Making* until the time a Public Notice is issued stating a substantive disposition of the matter is to be considered at a forth coming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments or pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff that addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation. On the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, and a copy must be provided to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally § 1.1231 of the Commission's Rules, 47 CFR 1.231.

31. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before April 4, 1983, and reply comments on or before May 4, 1983. All relevant and timely comments and reply comments will be considered by the Commission before further action

in this proceeding. The Commission may also consider any other relevant information brought to its attention.

32. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a written summary indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the *Report and Order*. In accordance with the provision of § 1.419 of the Commission's Rules, an original and 5 copies of all comments, replies or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also desire that each Commissioner receive a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that Common Carrier Docket No. 83- is specified in the heading. Such informal participants who desire that responsible members of the staff receive a personal copy may file an additional five copies. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room, Room 239, 1919 M Street, NW., in Washington, D.C.

VII. Ordering Clauses

33. Accordingly, *it is ordered*, That pursuant to the provisions of Sections 4(i), 4(j), 201, 202, 203, 204, 205, 214, 220, 221 and 403 of the Communications Act of 1934, as amended, Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, and Sections 1.411 *et seq.* of the Commission's Rules, 47 CFR §§ 1.411 *et seq.*, there is hereby instituted a notice of proposed rulemaking concerning the matters described herein including those raised by the Petition for Declaratory Ruling filed November 30, 1982 by the North American Telecommunications Association. Members of the public are notified that any policies that may be established in this proceeding may be embodied in the Rules and Regulations of the Commission.

34. *It is further ordered*, That all interested persons MAY FILE comments on the matters discussed herein on or before April 4, 1983. Reply comments shall be filed on or before May 4, 1983.

35. *It is further ordered*, That the Secretary shall cause this Notice of Inquiry and Proposed Rulemaking to be published in the Federal Register.

36. *It is further ordered*, That the

Secretary shall send a copy of this Notice to the Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*) (1980).

Federal Communications Commission,
William J. Tricarico,
Secretary.

Appendix A

The Configuration of the Seven Regional Companies

The reconfigured BOCs will be

grouped into seven regional holding companies, as depicted in the map on the following page. Each regional company will be roughly the same size in terms of assets and, in any event, large enough to possess the financial strength to generate broad interest in the investment community. Each will hold BOCs that serve in the same general region of the country; thus, the operations of each regional company (and its subsidiaries) will reflect demographic similarities. The seven regional companies are described in the next seven subsections of this part of the Plan.

Jersey Bell Telephone Company, The Bell Telephone Company of Pennsylvania, The Diamond State Telephone Company, The Chesapeake & Potomac Telephone Company (Washington, D.C.), The Chesapeake & Potomac Telephone Company of Maryland, The Chesapeake & Potomac Telephone Company of Virginia, and The Chesapeake & Potomac Telephone Company of West Virginia. These BOCs will provide service in the States of Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

The service territory of these BOCs comprises about 27 million people—or about 84 percent of the total population in the States in which the companies do business. As of January 1, 1982, these BOCs operated the following number of revenue-producing network access lines:

| BOC | Network access lines |
|--------------------|----------------------|
| New Jersey Bell | 3,758,000 |
| Bell of Penn. | 4,445,000 |
| Diamond State | 297,000 |
| C & P of Md | 2,070,000 |
| C & P of Va | 1,815,000 |
| C & P W.Va | 621,000 |
| C & P (Wash. D.C.) | 716,000 |

Prior to their reconfiguration in accordance with the Decree, the BOCs in this region had (as of December 31, 1981) 108,103 employees and total assets of \$17,267 million.

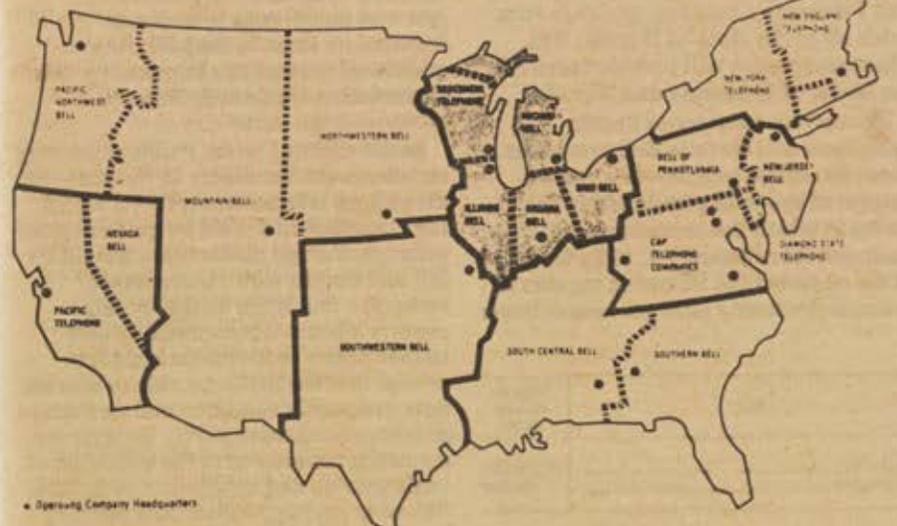
iii. *The Southeast.* The regional holding company of this part of the Nation will hold the stock of Southern Bell Telephone and Telegraph Company and South Central Bell Telephone Company. These BOCs will provide service in the States of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

The service territory of these BOCs comprises about 30 million people—or about 70 percent of the total population in the States in which the companies do business. As of January 1, 1982, these BOCs operated the following number of revenue-producing network access line:

| BOC | Network access lines |
|--------------------|----------------------|
| Southern Bell | 6,971,000 |
| South Central Bell | 6,506,000 |

Prior to their reconfiguration in accordance with the Decree, the BOCs in this region had (as of December 31,

CONFIGURATION OF THE SEVEN REGIONAL HOLDING COMPANIES



From: AT&Ts Plan of Reorganization at 454-60, filed December 16, 1982 in United States v. Western Electric, Civil Action 82-0192.

i. *The Northeast.* The regional holding company for this part of the Nation will hold the stock of New York Telephone Company and New England Telephone and Telegraph Company. These BOCs will provide service in the States of Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and a small portion of Connecticut.

The service territory of these BOCs comprises about 25 million people—or about 92 percent of the total population in the States in which the companies do business. As of January 1, 1982, these BOCs operated the following number of revenue producing network access lines:

| BOC | Network access lines |
|------------------------|----------------------|
| New York Telephone | 6,210,000 |
| New England Tel. & Tel | 4,266,000 |

Prior to their reconfiguration in accordance with the Decree, the BOCs in this region had (as of December 31, 1981) 121,600 employees and total assets of \$17,779 million.¹

ii. *The Mid-Atlantic.* The regional holding company for this part of the Nation will hold the stock of The New

depending upon LATA boundaries and the application of the principles of this Plan for dividing the BOCs' assets and personnel (Part I) and augmenting their capabilities with existing AT&T resources (Part II).

¹The separation of IXC and CPE operations from the parent BOCs will reduce their employees and assets by something in the range of 10-20 percent.

1981) 137,500 employees and total assets of \$21,800 million.

iv. *The Midwest.* The regional holding company for this part of the Nation will hold the stock of Illinois Bell Telephone Company, Indiana Bell Telephone Company, Michigan Bell Telephone Company, The Ohio Bell Telephone Company, and Wisconsin Telephone Company. These BOCs will provide service in the states of Illinois, Indiana, Michigan, Ohio, and Wisconsin.

The service territory of these BOCs comprises about 30 million people—or about 74 percent of the total population in the States in which the companies do business. As of January 1, 1982, these BOCs operated the following number of revenue-producing network access lines:

| BOC | Network access lines |
|---------------|----------------------|
| Ohio Bell | 2,883,000 |
| Michigan Bell | 3,807,000 |
| Indiana Bell | 1,378,000 |
| Illinois Bell | 4,624,000 |
| Wisconsin Tel | 1,479,000 |

Prior to their reconfiguration in accordance with the Decree, the BOCs in this region had (as of December 31, 1981) 112,978 employees and total assets of \$17,038 million.

v. *The Southwest.* The regional holding company for this part of the Nation will hold the stock of Southwestern Bell Telephone Company. Southwestern Bell will serve the States of Arkansas, Kansas, Missouri, Oklahoma, and Texas.

The service territory of Southwestern Bell comprises about 21 million people—or about 78 percent of the total population in the States in which the company does business. As of January 1, 1982, Southwestern Bell operated 9,781,000 revenue-producing network access lines. Prior to reconfiguration in accordance with the Decree, Southwestern Bell had (as of December 31, 1981) 97,100 employees and total assets of \$15,979 million.

vi. *The Mountains and Great Plains.* The regional holding company for this part of the Nation will hold the stock of The Mountain States Telephone and Telegraph Company, Northwestern Bell Telephone Company, and Pacific Northwest Bell Telephone Company. These BOCs will provide service in the States of Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

The service territory of these BOCs comprises about 22 million people—or

about 78 percent of the total population in the States in which the companies do business. As of January 1, 1982, these BOCs operated the following number of revenue-producing network access lines:

| BOC | Network access lines |
|------------------------|----------------------|
| Mountain Bell | 4,718,000 |
| Northwestern Bell | 3,270,000 |
| Pacific Northwest Bell | 2,450,000 |

Prior to their reconfiguration in accordance with the Decree, the BOCs in this region had (as of December 31, 1981) 104,900 employees and total assets of \$16,109 million.

vii. *The Far West.* The regional company for this part of the Nation will hold the stock of The Pacific Telephone and Telegraph Company, which in turn holds all of the stock of Nevada Bell. These companies will provide service in the States of California and Nevada.

The service territory of Pacific Telephone and Nevada Bell comprises about 20 million people—or about 78 percent of the total population in the States in which the companies do business. As of January 1, 1982, these BOCs operated the following number of revenue-producing network access lines:

| BOC | Network access lines |
|-------------|----------------------|
| Pacific Tel | 10,275,000 |
| Nevada Bell | 154,000 |

Prior to their reconfiguration in accordance with the Decree, the BOCs in this region had (as of December 31, 1981) 114,700 employees and total assets of \$16,573 million.

The following table summarizes the foregoing, based upon December 31, 1981, data for existing BOCs.

REGIONAL HOLDING COMPANIES (AS OF DEC. 31, 1981, Prior to BOC Reconfiguration in Accordance With the Decree)

| BOC's by region | Total assets (in millions) | Network access lines (000) | Employees |
|----------------------------|----------------------------|----------------------------|-----------|
| Northeast | \$17,778.6 | 12,476 | 121,600 |
| Mid-Atlantic | 17,267.3 | 13,722 | 108,103 |
| Southeast | 21,800.4 | 12,979 | 137,500 |
| Midwest | 17,038.4 | 13,971 | 112,978 |
| Southwest | 15,949.3 | 9,781 | 97,600 |
| Mountains and Great Plains | 16,109.1 | 10,438 | 104,900 |
| Far West | 16,573.4 | 10,429 | 114,700 |

Separate Statement of Commissioner Joseph R. Fogarty

In Re: Policy and Rules Concerning the Furnishing of Customer Premises Equipment by the Bell Operating Companies

As I have frequently stated, the time has come to unshackle the Bell Operating Companies (BOCs).¹ On January 1, 1984 these companies will be divested from AT&T by the terms of the Modification of Final Judgment (MFJ) approved by Judge Greene.² Divestiture will completely change the environment in which the BOCs and the regional holding companies (RHCs) operate. In this new, competitive environment, the imposition of a separate subsidiary requirement on the BOCs makes no sense and would be contrary to the public interest. The soon-to-be divested BOCs already face the prospect of grievous restrictions mistakenly imposed on them in the MFJ. Any additional restrictions imposed by this Commission would only serve to compound this error.

In determining what, if any, regulatory structures are necessary in the post-divestiture telecommunications world, the Commission should be guided by the principle that all competition should be full and fair. In addition, we must recognize that if the quality of this country's basic telecommunications infrastructure is to remain high, it is crucial that the BOCs be able to provide new competitive services and customers premises equipment (CPE). To limit the operating companies to the provision of basic service and equipment by judicial fiat, or to unduly burden their offering by overregulation, will deny to the American public the benefits of securing universal, high quality, low cost sophisticated services and equipment integrated into the local loop technology of the telephone exchange. Even worse, such restrictions will deny these benefits to Americans at a time when many foreign countries are striving to upgrade their telecommunications networks in exactly this fashion. The choice of whether to form a separate subsidiary should be left to the business judgment of the companies involved. No one will benefit if the BOCs are forced to start the game from twenty yards

¹ See e.g., Statement of Commissioner Joseph R. Fogarty before the Subcommittee on Telecommunications, Consumer Protection and Finance of the House Committee on Energy and Commerce (December 1, 1982); Memorandum from Commissioner Fogarty to the Commission, November 1, 1982 [Fogarty Memorandum].

² See, Modification of Final Judgment, *United States v. Western Electric Co.*, Civil Action No. 82-0192 (D.D.C., entered August 24, 1982).

behind the goal line simply because they were once part of the Bell system.

As a first step, this Commission should make clear that the *Computer II*³ separate subsidiary requirement does not apply to the divested BOCs. In a single stroke, the MFJ has changed the factual basis upon which the *Computer II* rules were imposed on AT&T and the BOCs, by virtue of the affiliation with AT&T. In fact, after divestiture, the separation requirement is not technically applicable to the BOCs.

It must be remembered that the Commission initially imposed the structural separation condition on AT&T because it perceived a substantial threat to the communications ratepayer and concluded that other regulatory tools would not suffice.⁴ In doing so, we concluded that the relevant market was national in scope and that no significant competitive advantage could be gained based on a limited network of underlying facilities.⁵ Under these circumstances, the Commission found that only AT&T had sufficient market power to engage in effective anticompetitive activity on a national scale and only AT&T possessed sufficient resources to enter the competitive market through a separate subsidiary. It focussed on AT&T's ability to engage in anticompetitive activities through control of "bottleneck" facilities, i.e. local exchange and toll transmission facilities, on a broad national geographic basis.⁶ In addition, the Commission was concerned that AT&T's large CPE manufacturing operation combined with its market share and control over local facilities would provide the opportunity to engage in anticompetitive conduct in the equipment market.

On the other hand, the Commission found that the independent telephone companies met none of these criteria and should not be subject to the separate subsidiary requirements. It concluded that none of the independents had sufficient national market power to engage in anticompetitive conduct. Therefore, the argument that a separate subsidiary condition should be imposed because of these companies' "leverage to manipulate customer preferences" was rejected.⁷ In particular, it found

that companies such as United Telephone System, Inc. and Continental Telephone Corp. did not have the manufacturing base and toll facilities to engage in anticompetitive conduct,⁸ and that GTE lacked the toll facilities and sufficiently large operating territories.⁹

As discussed in this Notice, none of the factors which caused the Commission to impose the separation requirement on AT&T is applicable to the divested BOCs. The BOCs will have neither national market power nor toll facilities. Therefore, they will not have the control of "bottleneck" facilities on the broad national basis that we found to be necessary to justify imposition of the separation requirement. Likewise, the BOCs will have no manufacturing capability and no established market with an embedded base. Since we have already rejected the notion that a separate subsidiary requirement should be imposed simply because of a local carrier's "leverage to manipulate customer preferences," there is no basis upon which to require that BOCs offer CPE or enhanced services through a separate subsidiary.¹⁰

To the extent that concerns exist about cross-subsidization of non-regulated CPE by regulated services, they can be taken care of without resorting to the drastic remedy of separation. In particular, we have required that the independents set up separate books of account for nonregulated CPE and are in the process of amending the Uniform System of Accounts to achieve this result.¹¹ This requirement would be applicable to the BOCs and there is no reason to expect that it will not be effective.

The FCC has failed the public interest once already. The Commission should have amended the *Computer II* rules to permit the BOCs to continue to provide new CPE after January 1, 1983 on a detariffed basis without the necessity of establishing a separate subsidiary.¹² As it is, under the *Computer II* rules, the BOCs are now precluded from providing new CPE. This is nonsensical given that immediately after divestiture they will be permitted to reenter the market. Barring the BOCs from the new CPE market for this time period can only serve to discourage them from entering the market at all because of the even

higher start-up costs occasioned by the one-year prohibition. At the least, unfortunately, this delay gives all competitors a one year headstart on the BOCs. Further, this restriction has the practical effect of inhibiting competition by non-Western Electric equipment suppliers contrary to the intention of the Commission. To the extent that a potential conflict existed with the MFJ, I cannot imagine that that decision intended to place the BOCs in a position in which competition with AT&T would be impossible. In any event, this question should have been confronted head on by this Commission.

Even though the matter is out of the hands of the Commission, the MFJ is not sacrosanct. While I support the decision to permit the BOCs to offer CPE and Yellow Pages, I strongly object to prohibiting the BOCs from offering information services and to the bar on AT&T's offering of electronic publishing services for seven years. These judicial restrictions are no more in the public interest than an FCC-imposed BOC separation requirement would be. Instead of taking such an inflexible approach, the wiser course for the court would have been to rely on remedies such as strict accounting and traffic regulation. At least the *Computer II* waiver standard provides more flexibility¹³ than does the strict showing required under the MFJ.¹⁴

The restrictions imposed on the divested companies by the MFJ raise serious and fundamental questions concerning the continued adequacy of basis research and development by the BOCs. I believe that the prospect for continued progress in local exchange technology and services is dim. If the regional companies are restricted to the limited market for exchange and access facilities, new CPE and Yellow Pages, it is doubtful that they will be in a financial position to support any significant research in local loop technology. Given the increased pressures on state regulators to keep basic local exchange rates low, it seems to me all too likely that capital for such research and development will not be forthcoming. Moreover, the prohibition on operating company marketing of new services may make the local operating companies hesitant or reluctant to experiment with more advanced switching and equipment designs. This result would be in sharp conflict with the public interest.

While innovation will not cease as a consequence of the Decree's restrictions,

³ *Second Computer Inquiry*, 77 FCC 2d 384 (1980) [Final Decisions]; *reconsideration*, 84 FCC 2d 50 (1980); *further reconsideration*, 88 FCC 2d 512 (1981); *off d. sub. nom., Computer and Communications Industry Association v. FCC*, 693 F. 2d 198 (D.C. Cir. 1982).

⁴ *Final Decision*, 77 FCC 2d at 386-388.

⁵ *Final Decision*, 77 FCC 2d at 408.

⁶ *Reconsideration Order*, 84 FCC 2d at 72.

⁷ *Reconsideration Order*, 84 FCC 2d at 73-74.

⁸ *Final Decision*, 77 FCC 2d at 467, 473.

⁹ *Reconsideration Order*, 84 FCC 2d at 73.

¹⁰ I am very pleased that the Commission has already come to this conclusion in the case of Cincinnati Bell, Inc. and the Southern New England Telephone Company. *Cincinnati Bell, Inc., et. al., — FCC 2d —* (1983).

¹¹ See Notice of Proposed Rulemaking, Amendment of Parts 34 and 35, — FCC 2d — (1982).

¹² See Fogarty Memorandum at 3-4.

¹³ *Reconsideration Order*, 84 FCC 2d at 57-58.

¹⁴ *MFJ*, — F. Supp. — at 116-117.

the operating companies may no longer lead the world in telephony and allied fields. I think it is a likely result that in many instances new telecommunications technology and services will be introduced more quickly and effectively in other countries than here in the United States. The implications for the competitiveness of U.S. industry in world telecommunications markets are no less troublesome.

This concern about the MFJ's undue restrictions on telecommunications activity is not limited to the BOCs. My concern goes as well as to AT&T Long

Lines and ABL. I believe that the seven year restriction on ABL's provision of electronic services is not in the public interest. Such a limitation can only serve to restrict American technological development. I note that AT&T is already one of the leading proponents of videotext. I see no First Amendment conflicts here. I believe that the public will benefit only if all telecommunications service providers are permitted to participate in the information services market from the outset.

The solution is clear to me. Upon divestiture, or even before, AT&T and

the RHCs, or the RHCs alone, with full FCC support should petition the District Court to remove these onerous restrictions. For the sake of the American ratepayer and in order to maintain the supremacy of telephony in this Nation, it is essential that the BOCs remain viable. To ensure viability, it is crucial that the BOCs be unshackled. This Commission and the court hold the keys to the lock. These keys should be used to set the BOCs free.

[FR Doc. 83-7502 Filed 3-29-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 48, No. 61

Tuesday, March 29, 1983

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

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Pine Park RC&D Measure, New Jersey; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pine Park RC&D Measure, Ocean County, New Jersey.

FOR FURTHER INFORMATION CONTACT: Joseph C. Branco, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, Somerset, New Jersey 08873, telephone (201) 246-1205.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Joseph C. Branco, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for stabilizing critically eroding gullies in Pine Park, located in Lakewood Township. The planned works of improvement include the installation of pipe drop structures to convey upslope runoff to the floodplain and grading, reshaping and revegetating the eroded area.

The Notice of a Finding of No Significant Impact (FONSI) has been

forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Joseph C. Branco.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 16, 1983.

Joseph C. Branco,
State Conservationist.

[FR Doc. 83-7956 Filed 3-28-83; 8:45 am]
BILLING CODE 3410-16-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Schedule for Awarding Senior Executive Service Performance Awards (Bonuses)

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Notice of Schedule for Awarding Senior Executive Service Performance Awards (Bonuses).

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

EFFECTIVE DATE: This notice is effective upon publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: William G. Laxton, Personnel Director, Office of the Federal Inspector (ANGTS), Room 22317, Post Office Building, 1200 Pennsylvania Avenue NW., Washington, D.C. 20044, (202) 275-1157.

Office of Personnel Management guidelines require that each agency publish a notice in the Federal Register of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which

the awards will be paid. The Office of the Federal Inspector intends to award Senior Executive Service bonuses for the performance rating cycle of October 1, 1981, through September 30, 1982, with payouts scheduled by April 12, 1983.

Dated: March 24, 1983.

John T. Rhett,
Federal Inspector.

[FR Doc. 83-7948 Filed 3-28-83; 8:45 am]
BILLING CODE 6119-01-M

CIVIL AERONAUTICS BOARD

[Order 83-3-122; Docket 41125]

Action Air Cargo Corp.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 83-3-122.

SUMMARY: The Board proposes to grant an amendment to the certificate of Action Air Cargo Corporation to permit it to operate scheduled air transportation of property and mail between the United States and Jamaica.

SUPPLEMENTARY INFORMATION:

Objections: All interested persons having objections to the Board's tentative findings and conclusions, as described in the order cited above, shall, no later than April 20, 1983, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 41125, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to all affected carriers, the Departments of State and Transportation and the Attorney General.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will make final the Board's tentative findings and conclusions and issue the proposed certificate.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW, Washington, D.C. 20428, (202) 673-5432. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, (202) 673-5203, Bureau of

International Aviation, Civil
Aeronautics Board, Washington, D.C.
20428.

By the Civil Aeronautics Board: March 24,
1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-8041 Filed 3-28-83; 8:45 am]
BILLING CODE 6320-01-M

[Order 833-121; Docket 40857]

Air Specialties Corp.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause:
83-3-121, Docket 40857.

SUMMARY: The Board has tentatively decided to amend the certificate of public convenience and necessity held by Air Specialties Corp. to authorize the carrier to engage in worldwide charter

air transportation of persons, property, and mail.

SUPPLEMENTARY INFORMATION:

Objections: All interested persons having objections to the Board's tentative findings and conclusions that this action be taken, as described in the order cited above, shall, no later than April 11, 1983, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 40857, Docket Service, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to Air Specialties Corp., Orion Air, and the United States Departments of State and Transportation. A statement of objections must cite the docket number and must include a summary of testimony, statistical data or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will make final the Board's tentative findings and conclusions and

amend Air Specialties Corp.'s certificate of public convenience and necessity to authorize it to engage in worldwide charter air transportation of persons, property, and mail.

To get a copy of the complete order, request it from the Civil Aeronautics Board, Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington Metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT:
Rhonda Starck, (202) 673-5035, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 24,
1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-8042 Filed 3-28-83; 8:45 am]
BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

(See, 14 CFR 302.1701 et seq.); Week Ended March 18, 1983.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

| Date filed | Docket No. | Description |
|---------------|------------|--|
| Mar. 14, 1983 | 41363 | Vuelos Especiales Liberianos, S.A. d.b.a. VEL, c/o Marvin S. Cohen, Stroock & Stroock & Lavan, 1150 Seventeenth Street, N.W., Suite 600, Washington, D.C. 20036. Application of VEL pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit to engage in foreign air transportation of persons, property and mail in non-scheduled and charter operations between points in Costa Rica, on the one hand and points in the United States on the other hand, via intermediate points in Mexico, Central America and the Caribbean area. The authority to serve third country intermediate points is sought as support for VEL's through flights. Answers may be filed by April 10, 1983. |
| Mar. 15, 1983 | 41365 | Aerovias Nacionales de Colombia, S.A. (AVIANCA), c/o Robert D. Pakin, Squire, Sanders & Dempsey, 1201 Pennsylvania Ave., N.W., Washington, D.C. 20004. Application of AVIANCA pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations applies for amendment of the Foreign Air Carrier Permit issued to it pursuant to Order 78-10-135 to add Maracabo, Venezuela as a further intermediate point on Route 2 of that permit. Answers may be filed by April 12, 1983. |
| Mar. 18, 1983 | 41372 | South Seas Airlines, c/o Morris R. Garfinkle, Galland, Kharasch, Calkins & Morse, 1054 Thirty-first Street, N.W., Washington, D.C. 20007. Application of South Seas Airlines pursuant to Section 401(d)(1) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate and overseas scheduled air transportation of persons, property, and mail: Between any point in any State in the United States or the District of Columbia, or any territory or possession of the United States and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States Conforming Applications, Motions to Modify Scope and Answers may be filed by April 15, 1983. |
| DO | 41373 | South Seas Airlines, c/o Morris R. Garfinkle, Galland, Kharasch, Calkins & Morse, 1054 Thirty-first Street, N.W., Washington, D.C. 20007. Application of South Seas Airlines pursuant to Section 401(d)(1) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in foreign air transportation of persons, property, and mail between Honolulu, Hawaii and Pago Pago, American Samoa, on the one hand and Rarotonga, Cook Islands, on the other, and beyond Cook Islands to Papeete, French Polynesia, and Nadi, Fiji. Conforming Applications, Motions to Modify Scope and Answers may be filed by April 15, 1983. |

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-8046 Filed 3-28-83; 8:45 am]
BILLING CODE 6320-01-M

[Order 83-3-125; Docket 41390]

California-Toronto/Montreal Service Case; Order Instituting Investigation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order instituting investigation: Order 83-3-125, Docket 41390.

SUMMARY: The Board is instituting the California-Toronto/Montreal Service

Case to select primary and back-up carriers to provide scheduled service between Los Angeles/San Francisco, California and Toronto and Montreal, Canada (U.S. Routes E.1 and E.2 of the

U.S.-Canada Air Transport Services Agreement). The proceeding will also consider whether American Airlines' certificate authority for these routes should be deleted under section 401(g) of the Act. The complete text of Order 83-3-125 is available as noted below.

DATES: Applications, motions to consolidate applications conforming to the scope of this proceeding, petitions from interested persons, and petitions for reconsideration shall be filed by April 13, 1983. Answers shall be filed by April 25, 1983.

ADDRESSES: All pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 41390, California-Toronto/Montreal Service Case.

FOR FURTHER INFORMATION CONTACT: Ronald A. Brown, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5203.

SUPPLEMENTARY INFORMATION: The Complete text of Order 83-3-125 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-3-125 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 24, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-8045 Filed 3-29-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83-3-123; Docket 40972]

Pacific Southwest Airlines, Inc.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 83-3-123.

SUMMARY: The Board proposes to: (1) Revoke the primary authority of Pacific Southwest Airlines, Inc., (PSA) to provide scheduled combination service between Los Angeles and Puerto Vallarta/Mazatlan, Mexico; (2) Amend the certificate of Western Air Lines, Inc., to authorize it to engage in combination air transportation on the aforementioned route; (3) Make United Air Lines, Inc., the current backup carrier on the route, the backup carrier to Western instead of to PSA; and (4) Permit Western to combine service over this route with other U.S.-Mexico certificate authority it currently holds, subject to the terms of

U.S.-Mexico Air Transport Agreement.

SUPPLEMENTARY INFORMATION:

Objections: All interested persons having objections to the Board's tentative findings and conclusions, as described in the order cited above, shall, no later than April 21, 1983, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 40972, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to all affected carriers, the Departments of State and Transportation and the Attorney General.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed certificate.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5432. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, (202) 673-5203, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 24, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-8043 Filed 3-29-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41306]

Unicorn Air Ltd., Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-mentioned matter is assigned to commence on April 29, 1983, at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned chief administrative law judge.

Dated at Washington, D.C., March 21, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 83-8044 Filed 3-29-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 7-83]

Foreign-Trade Zone 26, Shenandoah, Georgia (Atlantic Port of Entry) Application for Subzone at General Motors Auto Assembly Plants in Atlanta and Doraville, Georgia

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Georgia Foreign Trade Zone, Inc. (GFTZ), grantee of Foreign-Trade Zone 26, requesting special-purpose subzone status for General Motors Corporation's (GM) auto assembly plants in Atlanta and Doraville, Georgia, within the Atlanta Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 18, 1983. The applicant is authorized to make this proposal under Chapter 10, Title 52 of the Official Code of Georgia Annotated.

On January 17, 1977, the Board authorized GFTZ to establish a foreign-trade zone project in the Atlanta area (Board Order 115, 42 FR 4186, 1/24/77). The project covers 33 acres at Shenandoah in Coweta County, some 23 miles south of Atlanta's international airport. Over \$14 million in merchandise was received by the zone in FY 1982.

The subzone would involve GM's Atlanta area auto assembly plants in Atlanta (Lakewood) and Doraville. The Lakewood plant covers 85 acres at Sawtell and McDonough Boulevard in Atlanta. The Doraville plant covers 139 acres at 3900 Motors Industrial Way, Doraville.

The Lakewood plant has an annual capacity for producing over 100,000 Chevette-model automobiles, employing over 1800 workers. Although it uses mostly domestic material, certain components are sourced abroad, such as automatic transmissions, optional diesel engines, solenoids, wiring harnesses and seat covers, which account for less than 5 percent of material value.

The Doraville plant produces over 200,000 Century and Cutlass-model automobiles annually and employs 5500 workers. Foreign content on these vehicles is less than 2 percent and includes optional engines, brake hoses and radios.

Exports account for 7.5 percent of production at the Doraville plant and the company expects to resume exporting from the Lakewood plant when market

conditions improve. Zone procedures will exempt GM from paying duties on foreign components used in these exports. On its domestic sales, the company will be able to defer duty and to take advantage of the same duty rate that is available to importers of finished automobiles. The average duty rate on the foreign parts GM uses at the Lakewood and Doraville plants is about 4.4 and 3.8 percent respectively, whereas the rate for automobiles is 2.8 percent. The reduction of Customs costs is part of GM's overall program to modernize and reduce costs at its U.S. assembly plants, making them more competitive with auto assembly facilities offshore.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Charles W. Winwood, Director (Inspection and Control), U.S. Customs Service, Southeast Region, 99 S.E. 5th Street, Miami, Florida 33131; and Colonel Charles E. Dominy, District Engineer, U.S. Army Engineer District Savannah, P.O. Box 889, Savannah, Georgia 31402.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before April 28, 1983.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 1365 Peachtree Street, N.E., Suite 600, Atlanta, Georgia 30309
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania, NW., Room 1872, Washington, D.C. 20230.

Dated: March 23, 1983.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 83-7987 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-25-M

[Docket No. 8-83]

Foreign-Trade Zone 15, Kansas City, Missouri; Application for Subzone at Ford's Auto Assembly Plant in Claycomo, Missouri

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Kansas City Foreign-

Trade Zone, Inc. (KCFTZ), grantee of Foreign-Trade Zone 15, requesting authority for a special-purpose subzone at Ford Motor Corporation's auto assembly plant in Claycomo, Clay County, Missouri, within the Kansas City Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 18, 1983. The applicant is authorized to make this proposal under a special act of the State of Missouri Legislature, approved June 22, 1971.

On March 23, 1973, the Board authorized the KCFTZ to establish a foreign-trade zone project with 2 sites in Kansas City, Missouri (Board Order 93, 37 FR 15535, 8/3/72). Another site was added in 1974 (Board Order 102, 39 FR 39487, 11/1/74). In FY 1982 the zone received over \$30 million in merchandise.

The subzone will be for Ford's Kansas City auto assembly plant which covers 155 acres on Highway 69, Claycomo, Missouri, some 7 miles from downtown Kansas City. Ford is in the process of renovating the plant to produce a new line of compact cars. The facility can produce over 200,000 cars and trucks annually. Although most of the parts and material used at the plant are produced domestically, close to 5 percent of the components such as engines, transaxles and radios are imported.

Zone procedures will exempt Ford from paying duties on foreign components used for its exports. On its domestic sales, the company will be able to defer duty and to take advantage of the same duty rate available to importers of finished autos. The average duty rate for the foreign components Ford uses at its Kansas City plant is 4.6 percent whereas the rate for finished autos is 2.8 percent. The savings from zone procedures are expected to contribute to Ford's efforts to reduce plant costs, helping to make it more competitive with auto production facilities offshore. The result will be continued investment in the Kansas City facility and a possible increase in the plant's workforce currently some 3800 persons.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; William L. Duncan, District Director, U.S. Customs Service, North Central Region, 120 S. Central Avenue, St. Louis, Missouri

63105; and Colonel Gurnie C. Gunter, District Engineer, U.S. Army Engineer District Kansas City, 700 Federal Building, Kansas City, Missouri 64106.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before April 28, 1983.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 601 East 12th Street, Room 1845, Kansas City, Missouri 64106
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, NW., Washington, D.C. 20230
Dated: March 23, 1983.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 83-7988 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Issuance of Permit

On January 26, 1983, Notice was published in the Federal Register (48 FR 3640), that an application had been filed with the National Marine Fisheries Service by the Aquarium of Niagara Falls, 701 Whirlpool Street, Niagara Falls, New York 14301, for a permit to take three (3) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on March 23, 1983, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a public Display Permit for the above taking to the Aquarium of Niagara Falls, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: March 23, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-8061 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit

On January 26, 1982, Notice was published in the Federal Register (48 FR 3640), that an application had been filed with the National Marine Fisheries Service by Marineland, S.A., Costa d'en Blanes, Palma Nova, Mallorca, Spain, for a permit to take four (4) Atlantic bottlenose dolphins (*Tursiops truncatus*) and obtain four (4) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on March 23, 1983, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Marineland, S.A., subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida, 33702; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 23, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-8060 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-22-M

International Trade Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Erwin-Lambeth, Inc., 201 East Holly Hill Road, Thomasville, North Carolina 27360, producer of lamps and chandeliers (accepted February 23, 1983); (2) J. T. Koltis Enterprises, Inc., 780 East 135th Street, Bronx, New York 10454, producer of women's footwear (accepted February 25, 1983); (3) A & M

Leatherlines, Inc., 75 Varick Street, New York, New York 10013, producer of stationery, photo albums, address books and desk accessories (accepted February 28, 1983); (4) Riverdale Plastics, Inc., 21 Cotliss Road, Riverdale, New Jersey 07457, producer of molded plastic toys and other articles (accepted February 28, 1983); (5) Chips 'n Twigs, Inc., 642 North Broad Street, Philadelphia, Pennsylvania 19130, producer of men's and boys' suits, sportcoats and slacks (accepted March 1, 1983); (6) George B. Bent Company, Inc., 424 Main Street, Gardner, Massachusetts 01442, producer of household furniture (accepted March 1, 1983); (7) Cervceria Corona, Inc., Avenue Hipodromo Final, Santurce, Puerto Rico 00910, producer of beer (accepted March 2, 1983); (8) E.C.D., Inc., 171 Central Avenue, Hillside, New Jersey 07205, producer of industrial fasteners and steel wire (accepted March 2, 1983); (9) Domar Buckle Manufacturing Corporation, P.O. Box 523, Linden, New Jersey 07036, producer of buckles and other metal trim, and fasteners for apparel and luggage (accepted March 2, 1983); (10) W. E. Treichler & Son, Inc., 2863 Saunders Settlement Road, Sanborn, New York 14132, producer of cut flowers (accepted March 2, 1983); (11) Tera Industrial Controls, Inc., 14279 N. W. Science Park Drive, Portland, Oregon 97229, producer of machine tools (accepted March 2, 1983); (12) Special Cutting Tools, Inc., 9844 Alburto Avenue, Santa Fe Springs, California 90670, producer of machine tool parts (accepted March 3, 1983); (13) AHK, Inc., 927 Owen Street, Honolulu, Hawaii 96819, producer of men's, women's and children's footwear (accepted March 4, 1983); (14) Dodge Cork Company, Inc., 11 Laurel Street, Lancaster, Pennsylvania 17603, producer of composition cork products (accepted March 7, 1983); (15) Davis-Lynch Glass Company, P.O. Box 4268, Star City, West Virginia 26505, producer of glass lighting shades and lamp parts (accepted March 7, 1983); (16) Pemco-Kalamazoo, Inc., P.O. Box 1068, Kalamazoo, Michigan 49005, producer of shopping cart wheels and casters (accepted March 7, 1983); (17) Cherry Fashions, Inc., P.O. Box 30551, 65 Infanter Station, Carolina, Puerto Rico 00924, producer of women's dresses, blouses and other tops (accepted March 8, 1983); (18) Montague Industries, Inc., 15th Street, Turners Falls, Massachusetts 01376, producer of pulp and paper machinery (accepted March 8, 1983); (19) Val D'Or, Inc., 350 Fifth Avenue, New York, New York 10118, producer of men's, women's and children's shirts (accepted March 8, 1983); (20) H. W. Hart Manufacturing

Company, 914 Justin Avenue, Glendale, California 91201, producer of poultry feeding systems and waterers (accepted March 9, 1983); (21) W. J. Young Fastener and Machinery Company, Inc., 4th Street, Peabody Industrial Park, Peabody, Massachusetts 01960, producer of shoe machinery and parts, and nails (accepted March 9, 1983); (22) Imprime, Inc., 250 Canal Street, Lawrence, Massachusetts 01840, producer of women's and men's jackets (accepted March 9, 1983); (23) National Machine & Research Company, Inc., P.O. Box 43, Palmyra, New Jersey 08065, producer of aircraft components (accepted March 10, 1983); (24) Oregon Moulding & Lumber Company, P.O. Box 737, Lake Oswego, Oregon 97034, producer of wood moulding and kitchen cabinets (accepted March 10, 1983); (25) J. Raymond Designs, Inc., 510 Third Street, San Francisco, California 94107, producer of women's blouses, skirts and jackets (accepted March 10, 1983); (26) Stevens Walden, Inc., 475 Shrewsbury Street, Worcester, Massachusetts 01604, producer of hand tools (accepted March 11, 1983); (27) Alda Sportswear, Inc., 413 Park Avenue, Brooklyn, New York 11205, producer of women's and children's suits, dresses, pants, skirts and tops (accepted March 14, 1983); (28) Wade Machine Tool Company, Inc., 49 River Street, Waltham, Massachusetts 02154, producer of machine tools (accepted March 14, 1983); (29) Fall River Fireplace Company, Inc., Box G, Syoset, New York 11791, producer of fireplace accessories and popcorn poppers (accepted March 15, 1983); (30) Standard Knitting Company, 1415 NW 52nd Street, Seattle, Washington 98107, producer of men's, women's and children's sweaters (accepted March 15, 1983); (31) CERO-21 Corporation, Box 2040, Valle Arriba Heights, Carolina, Puerto Rico 00630, producer of women's blouses (accepted March 16, 1983); (32) Burke Manufacturing Company, Inc., P.O. Box 613, Waynesboro, Georgia 30830, producer of men's and boys' jackets and vests (accepted March 17, 1983); (33) Hyatt Clark Industries, Inc., 1300 Raritan Road, Clark, New Jersey 07066, producer of roller and needle thrust bearings (accepted March 17, 1983); (34) Makelina, Ltd., 3400 Kehala Drive, Kihei, Hawaii 96753, producer of giftware (accepted March 17, 1983); (35) Laminated Glass Corporation, 375 Church Avenue, Telford, Pennsylvania 18969, producer of safety glass (accepted March 17, 1983); (36) A.B.C. Millwork, Inc., P.O. Box 416, Saint Just, Puerto Rico 00750, producer of wood doors and frames (accepted March 18, 1983); and

(37) Airguide Instrument Company, 2210 W. Wabansia Avenue, Chicago, Illinois 60647, producer of auto compasses and weather and marine instruments (accepted March 18, 1983).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 83-7975 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-25-M

Full Council Meeting, President's Export Council

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The President's Export Council was initially established by Executive Order 11753 of December 20, 1973. The Council was reconstituted by Executive Order 12131 of May 4, 1979, and continued by Executive Order 12258 of December 31, 1980, and 12399 of December 31, 1982. The Council's purpose is to advise the President on matters relating to United States export trade.

Time and place: April 15, 1983, from 2:00 p.m. to 4:00 p.m. The meeting will be held at the U.S. Department of Commerce, Room 4830, 14th and Constitution Ave. NW., Washington, D.C.

Agenda: Reports by subcommittees, including vote on resolution regarding Extraterritoriality of U.S. laws and effects on trade, and discussion of current trade legislation and issues.

Public participation: The general session of the meeting will be open for public observation and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Council. Written statements may be submitted at any time before or after the meeting.

For further information or copies of the minutes contact: Elisabeth Vermilye, Room 3213, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: (202) 377-1125.

Dated: March 24, 1983.

Henry Misisco,

Acting Director, Office of Policy and Coordination.

[FR Doc. 83-8018 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

JOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (4 U.S.C. Chapter 35).

Agency: Bureau of the Census.
Title: June 1983 Fertility and Birth Expectations Survey.
Form numbers: Agency—CPS-1;
OMB—0607-0406.

Type of Request: New.
Burden: 45,000 respondent; 1,706 reporting hours.

Needs and uses: The questions concerning childbearing and future birth expectations will be a supplement to the June 1983 Current Population Survey (CPS) and will be used to update estimates of current and future birth rates and to examine trends in family development.

Affected public: Interviewed households in the June 1983 CPS.
Frequency: Annually.
Respondent's obligation: Voluntary.
OMB desk officer: Tim Sprehe, 395-4814.

Agency: National Oceanic and Atmospheric Administration.
Title: Foreign Fishing Vessel Reports.
Form Numbers: Agency—N/A;
OMB—0648-0075.

Type of request: Extension.

Burden: 1,600 respondents; 50,000 reporting hours.

Needs and uses: Radio messages of vessel activities are used by the Department of Commerce to monitor the location and to account for any fish or fish products on board a vessel. Logbooks are used to determine fees that are paid every 3 months. Summarized reports are used to monitor the relative abundance of fish stocks.

Affected public: Foreign fleets fishing in U.S. fishery conservation zone (200 mile zone).

Frequency: On occasion, weekly, quarterly and annually.

Respondent's obligation: Required to obtain or retain benefit. Mandatory.
OMB desk officer: Ken Allen, 395-3785.

Agency: National Oceanic and Atmospheric Administration.

Title: Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Application.

Form numbers: Agency—Uses SF-424;
OMB—0648-0086.

Type of request: Revision.
Burden: 200 respondents; 200 reporting hours.

Needs and uses: Grants are awarded, on a competitive basis, for fisheries research and development. Information is used to determine relative merits of projects submitted for funding and will be used by reviewers to determine funding priorities.

Affected public: Fishing industry.
Frequency: Annually.

Respondent's obligation: Required to obtain or retain benefit.
OMB desk officer: Ken Allen, 395-3785.

Agency: National Oceanic and Atmospheric Administration.

Title: Stranding Reports.
Form numbers: Agency—N/A; OMB 0648-0087.

Type of Request: Extension.
Burden: 4,000 respondents; 2,000 reporting hours.

Needs and uses: In support of the objectives of the Marine Mammal and Endangered Species Acts, information is used to compile data on marine mammal/endangered species strandings. Scientists and others interested use the data to study the cause and effect of marine animal strandings.

Affected public: Scientists and local government officials.

Frequency: On occasion.
Respondent's obligation: Voluntary.
OMB desk officer: Ken Allen, 395-3785.

Agency: National Oceanic and Atmospheric Administration.

Title: Report on Condition of Survey Mark.

Form numbers: Agency—NOAA 76-91; OMB—0648-0008.

Type of request: Extension.

Burden: 2,500 respondents; 500 reporting hours.

Needs and uses: The national horizontal and vertical geodetic control networks consist of approximately 800,000 survey marks throughout the United States. The information collected is used to update the automated files in support of the national network mark preservation program.

Affected public: Surveyors—Federal, state, and local government organizations; private survey firms; and individual surveyors.

Frequency: On occasion.

Respondent's obligation: Voluntary.

OMB desk officer: Ken Allen, 395-3785.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to Ken Allen, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 83-8020 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-CW-M

CONSUMER PRODUCT SAFETY COMMISSION

Toxicological Advisory Board; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting; Toxicological Advisory Board.

SUMMARY: This notice announces a meeting of the Toxicological Advisory Board on Tuesday, April 26, 1983 from 9:00 am to 4:30 pm and Wednesday, April 27, 1983 from 9:00 am to 2:00 pm. The meeting, which is open to the public, will be held in Room 456 at 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Ann L. Hamann, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492-6957.

SUPPLEMENTARY INFORMATION: The Toxicological Advisory Board is an

established nine-member advisory committee which advises the Commission on precautionary labeling for acutely toxic household substances and on instructions for first aid treatment labeling. In addition, the Board reviews labeling requirements that have been issued under the Federal Hazardous Substances Act and recommends revisions it considers appropriate. The Toxicological Advisory Board was established on May 9, 1979, under the authority of 15 U.S.C. 1275 (Pub. L. 95-631, section 10).

At its January 1983 meeting, the board formed several sub-committees, and reports on their preliminary findings will be presented at the meeting on April 26-27, 1983, as follows:

The following subcommittees will make presentations on April 26:

The Neutralization Subcommittee will discuss its investigation of the appropriateness, or lack thereof, of utilizing neutralization as a first aid procedure for caustic or corrosive ingestion and/or skin contact.

The Hydrocarbon Subcommittee will discuss first aid treatment for hydrocarbon ingestions. Based on information presented, the board will decide if it should pursue the subject of hydrocarbon product labeling beyond its earlier recommendations.

The Epidemiology Subcommittee will discuss the adequacy of current clinical data sources for making judgments with respect to the labeling of hazardous substances.

The following subcommittees will make presentations April 27:

The New Ingredients Subcommittee will discuss the possibility of extending the scope of the labeling guide to include additional single-ingredient products.

The Ventilation Subcommittee will discuss means by which the concept of "adequate ventilation" may be more meaningfully conveyed on a product label.

The two-day meeting is open to the public; however, space is limited. Interested persons who wish to make oral or written presentations to the board on the subjects described above should notify Dr. Fred Marozzi, Directorate for Health Sciences, Consumer, Product Safety Commission, Washington, D.C., telephone (301) 492-6477 by April 15, 1983. The notification should state: the name, address, and phone number of the individual who will make an oral presentation or submit a written presentation; the person, company, group, or industry on whose behalf the presentation will be made; the subject matter; and the approximate time requested for an oral presentation or the number of pages required for

written presentation. Time permitting, the presentations, and possibly other oral statements from the audience to members of the board, may be allowed by the presiding officer. Persons who submit their requests by April 15, 1983, as described above, will be notified of the presiding officer's decision before the meeting.

Dated: March 23, 1983.

Sheldon Butts,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 83-7977 Filed 3-28-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS) for the Cleveland Harbor Navigation Project, Cleveland, OH

AGENCY: Army Corps of Engineers, Buffalo District, DOD.

ACTION: Notice of Intent to prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS).

SUMMARY: 1. *Description of Action.* The proposed action would involve the construction of commercial navigation improvements at the existing Cleveland Harbor Commercial Navigation Project. The original FEIS for modifications to the existing project was completed in January 1978 and filed with the U.S. Environmental Protection Agency on 26 October 1978. However, investigations performed subsequent to the FEIS resulted in study reformulation. The purpose of the Draft Supplement to the FEIS is to address new alternatives which are being proposed in conjunction with the present Reformulation Phase I General Design Memorandum (GDM) Study for the project.

2. *Alternatives.* A wide range of structural and nonstructural alternatives were addressed in the original FEIS and during earlier stages of the Reformulation Phase I GDM Study. The only alternatives presently being considered for implementation are as follows:

- a. No action.
- b. Alternative 1, "All Weather" East Entrance Plan—This alternative would provide an "all-weather" entrance into the Lakefront Harbor for 1,000-foot vessels at the existing east entrance. Components of Plan 1 include dredging

a fan-shaped entrance and deepening portions of the east basin.

c. **Alternative 7G, Remove Jefferson Avenue Bridge Abutments**—This alternative would reduce vessel congestion on the Cuyahoga River section of the Cleveland Harbor Project by widening the existing Federal Channel in the vicinity of the Jefferson Avenue bridge abutments. Under this plan, the Jefferson Avenue bridge abutments would be removed, about 65 feet of steel sheet pile bulkhead would be constructed on both sides of the river in the vicinity of the former bridge abutments to stabilize the bank, about 200 feet of existing bulkhead would be replaced, an existing underwater power cable would be relocated, and the channel at the site of the former bridge abutments would be widened from a minimum width of about 130 feet to about 180 feet.

d. **Alternative 11, Deepen Turning Basin**—This alternative would facilitate vessel unloading operations on the Cuyahoga River by deepening the turning basin at river mile 4.8 from a depth of 18 feet to 23 feet. About 1755 feet of existing steel sheet pile bulkhead bordering the turning basin would be replaced under this plan.

3. **Scoping Process.** Considerable agency and public coordination has been performed during preparation of the FEIS and previous stages of the Reformulation Phase I GDM Study. Additional agency and public coordination will be accomplished during preparation of the Draft Supplement to the FEIS. The participation of concerned Federal, State, and local agencies, and other interested private organizations and parties is invited. Significant issues to be analyzed in the Draft Supplement include commercial navigation, benthic and fishery impacts, sediment and water quality, and water use.

4. **Scoping Meeting.** No scoping meeting is currently scheduled.

5. **Availability.** The Draft Supplement is scheduled to be available for review in March 1984.

ADDRESS: Questions about the proposed action and Draft Supplement can be answered by Mr. David W. Heicher, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207, telephone (716) 876-5454 (FTS 473-2171).

Dated: March 21, 1983.

Robert R. Hardiman,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-7985 Filed 3-28-83; 8:45 am]

BILLING CODE 3710-GP-M

Defense Logistics Agency

Environmental Assessment of the Disposal of Lithium-Sulfur Dioxide Batteries; Finding of no Significant Impact

AGENCY: Defense Logistics Agency, Defense Property Disposal Service, DOD.

ACTION: Notice of a finding of no significant impact.

SUMMARY: This announces completion of an Environmental Assessment for the disposal of lithium-sulfur dioxide batteries and a Finding of No Significant Impact. Public notice is required by the Council on Environmental Quality Regulations (40 CFR 1501.4).

FOR FURTHER INFORMATION CONTACT: David M. Caughey, Environmental Protection Specialist, Defense Property Disposal Service (DPDS-HEA), Federal Center, Battle Creek, MI 49016, Telephone: 616/962-6511, ext. 6860.

SUPPLEMENTARY INFORMATION: The Environmental Assessment prepared for the disposal of lithium-sulfur dioxide batteries concludes that the recommended methods of disposal will not significantly affect the quality of the human environment. As a result of this finding, it has been determined that the preparation of an Environmental Impact Statement is not required.

The Defense Logistics Agency, through the Defense Property Disposal Service (DPDS), is responsible for the disposal of all current and future accumulations of lithium-sulfur dioxide batteries which are excess to the needs of the Department of Defense. Lithium-sulfur dioxide batteries which have been depleted through use, reached the end of their listed shelf life, or withdrawn from use have in the past been unsuccessfully screened for reutilization, sale, and recycling or reprocessing potential. Considering the controversies presently surrounding the safety and environmental aspects of lithium-sulfur dioxide batteries, it has been determined that the available methods for their ultimate disposal must be examined.

The potential ultimate disposal methods examined include: no action, landfill burial, incineration, detonation by explosives, ocean dumping, disposal ponds or lagoons, and opening with chemical neutralization. The course of action recommended by the Environmental Assessment is to dispose of lithium-sulfur dioxide batteries by burial in secure landfills or by controlled opening, chemical neutralization, and appropriate disposal of the non-reactive

contents and casings. Discarded lithium-sulfur dioxide batteries have been determined to be a hazardous waste, and either of these disposal methods will reasonably assure that any battery contents with potentially detrimental effects upon the environment will be permanently immobilized or rendered inert. Adherence to various handling, storage, and transportation precautions will also mitigate any personnel or environmental risks that exist prior to final disposal.

Due to the capabilities and limitations inherent in the role and mission of DPDS, ultimate disposal must be accomplished by means of a service contract. The service contract for disposal will include the appropriate terms and conditions necessary to assure the environmental security, personal safety, and expeditious completion of either of these alternatives. DPDS will also monitor the operations of the firm(s) selected, and will terminate any actions where unexpected environmental impacts appear likely.

The Environmental Assessment of the Disposal of Lithium-Sulfur Dioxide Batteries is available for review at the Defense Logistics Agency Library, Room 4D131, Cameron Station, Alexandria, VA 22314. A limited number of copies of the Environmental Assessment are available to fill single copy requests from DPDS at the above address.

Dated: March 23, 1983.

Christ F. Potamos,
Colonel, USA, Staff Director, Installation Services and Environmental Protection.

[FR Doc. 83-7984 Filed 3-28-83; 8:45 am]

BILLING CODE 3520-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Gladieux Refining, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Gladieux Refining, Inc. (Gladieux) as a final order of the Department.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street,

Kansas City, Missouri 64106-2466, (816) 374-2092.

SUPPLEMENTARY INFORMATION: On January 4, 1983, 48 Fed. Reg. 324, the ERA published a notice in the *Federal Register* that it executed a proposed Consent Order with Gladieux Refining, Inc. of Fort Wayne, Indiana, on December 17, 1982 which would not become effective sooner than 30 days after publication of that notice. The Consent Order settles alleged regulatory violations brought by the Department of Energy against Gladieux Refining, Inc. involving petroleum product price overcharges by Gladieux during the period August 19, 1973 through January 27, 1981. Under the terms of the Consent Order, Gladieux agrees to refund \$1,300,000. Gladieux shall issue credit memoranda totaling \$480,000 to purchasers identified in the Consent Order which provides for a \$.0185 per gallon discount on purchases and is fully redeemable in cash on the third year anniversary of the effective date of the Consent Order. Gladieux shall refund \$820,000 plus interest to the Defense Fuels Supply Center by means of a rollback of one-half cent per gallon off the price set by the existing contract between the parties. Any remaining balance after three years shall be refunded in cash and interest shall accrue on the outstanding balance commencing with the effective date of the Order and paid by cash payment within thirty days after the third year anniversary of effective date of the Consent Order. The Consent Order resolves all matters relating to Gladieux's compliance with the federal petroleum price and allocation regulations and constitutes neither an admission by Gladieux nor a finding by DOE of any violation of any statute or regulation.

Pursuant to 10 CFR 205.199(j)(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order. The single comment received was from the Defense Fuels Supply Center concerning details of the rollback on their contract as structured under the Consent Order.

Since the Department received no other comment, the Consent Order as proposed became effective on March 1, 1983.

Issued in Kansas City on the 17th day of March, 1983.

David H. Jackson,
Director, Kansas City Office, Economic
Regulatory Administration.

(FR Doc. 83-7989 Filed 3-29-83; 8:45 am)

BILLING CODE 6450-01-M

**Steuart Petroleum Company;
Proposed Consent Order**

AGENCY: Economic Regulatory
Administration, DOE.

ACTION: Notice of proposed consent
order and opportunity for comment.

SUMMARY: The Economic Regulatory
Administration (ERA) of the Department
of Energy (DOE) announces a proposed
Consent Order with Steuart Petroleum
Company and provides an opportunity
for public comment on the proposed
Consent Order.

DATE: Comments by April 28, 1983.

ADDRESS: Send comments to: Robert J.
McKee, Jr., Director, Philadelphia Field
Office, ERA, 1421 Cherry Street,
Philadelphia, Pennsylvania 19102.

FOR FURTHER INFORMATION CONTACT:
Robert J. McKee, Jr., Director,
Philadelphia Field Office, ERA, 1421
Cherry Street, Philadelphia,
Pennsylvania 19102, (215) 597-3856.

Copies of the Consent Order may be
obtained free of charge by writing or
calling this office.

SUPPLEMENTARY INFORMATION: On
March 11, 1983, the ERA executed a
proposed Consent Order with Steuart
Petroleum Company ("Steuart") of
Washington, D.C. Under 10 CFR
205.199(j)(b), a proposed Consent Order
which involves the sum of \$500,000 or
more, excluding interest and penalties,
becomes effective no sooner than thirty
days after publication of a notice in the
Federal Register requesting comments
concerning the proposed Consent Order.
Although the ERA has signed and
tentatively accepted the proposed
Consent Order, the ERA may, after
consideration of the comments it
receives, withdraw its acceptance and,
if appropriate, attempt to negotiate a
modification of the Consent Order or
issue the Consent Order as signed.

Steuart, with its home office located in
Washington, D.C., is a firm engaged in
the sale of crude oil and covered
petroleum products, and was subject to
the Mandatory Petroleum Price and
Allocation Regulations at 10 CFR Parts
210, 211, and 212 during the period
January 1, 1973 through January 28, 1981
("the period covered by this Consent
Order"). An audit conducted by the ERA
included a review of Steuart's records
relating to compliance with the Federal
petroleum price and allocation
regulations during the period January 1,
1973 through January 28, 1981 (the audit
period). In its audit the ERA reviewed
Steuart's pricing and allocation policies
and procedures and the manner in
which Steuart applied the Federal
petroleum price and allocation

regulations. Steuart has cooperated with
this audit. Steuart has made its books
and records available to the auditors of
the DOE and the auditors have
examined and reviewed a substantial
volume of such materials. DOE believes
that Steuart has maintained procedures
reasonably adapted to achieve
compliance with the federal petroleum
price and allocation regulations. DOE
has found no evidence that Steuart has
committed any willful or intentional
violations of the federal petroleum price
and allocation regulations for the period
covered by this Consent Order.

The EPA and Steuart disagree in
several respects concerning Steuart's
compliance with the Federal petroleum
price and allocation regulations during
the audit period. Notwithstanding the
ERA's view as to the proper application
of the regulations to Steuart's activities,
Steuart maintains that it has correctly
construed and applied the regulations.
The ERA and Steuart each believes that
its respective positions on the legal
issues underlying their disagreements
are meritorious. However, both parties
desire to resolve the issues raised by the
audit without resort to complex, lengthy
and expensive compliance actions and
therefore have entered into this Consent
Order. The ERA believes that the
Consent Order is in the public interest
because it provides a satisfactory
resolution of disputed issues and an
appropriate conclusion of the Steuart
audit.

The Consent Order addresses all
aspects of Steuart's compliance with the
Federal petroleum price and allocation
regulations during the audit period and
resolves all issues concerning Steuart's
compliance with the Federal petroleum
price and allocation regulations during
the audit period. In settlement of all
disputes with the ERA concerning sales
of covered petroleum products during
the audit period, Steuart has agreed to
refund an aggregate amount of \$900,000.
Of that amount \$482,445 is to be paid to
the United States Treasury; \$417,555 is
to be paid to identified end-users of No.
6 oil by check or credit memoranda over
a period of one year from the effective
date of the Consent Order. The Consent
Order also provides details concerning
identification of such end-users, records
retention, and procedures concerning
enforcement of the provisions of the
Consent Order.

The Consent Order does not
constitute an admission by Steuart nor a
finding by the ERA of any violation of
the Federal petroleum price and
allocation regulations. This notice
merely summarizes the Consent Order,
and neither limits nor modifies it in any

way whatsoever. The provisions of 10 CFR 205.199], including those regarding the publication of this Notice, are applicable to the Consent Order.

Upon full satisfaction of the terms and conditions of this Consent Order by Steuart, the DOE releases Steuart from any civil claims that the DOE may have arising out of the federal petroleum price and allocation regulations.

Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comments on Steuart Petroleum Company Consent Order." The ERA will consider all comments it receives by 4:30 PM, local time, on April 28, 1983. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures at 10 CFR 205.9(f).

Issued in Philadelphia on the 14th day of March, 1983.

Robert J. McKee, Jr.,

Director, Philadelphia Field Office, ERA.

[FR Doc. 83-7981 Filed 3-29-83; 8:45 am]

BILLING CODE 6450-01-M

Proposed Consent Order With Twin Montana, Inc.

AGENCY: Department of Energy (DOE).

ACTION: Notice of proposed consent order and opportunity for public comment.

SUMMARY: The Office of the Special Counsel (OSC) hereby gives the notice required by 10 CFR 205.199] that it has entered into a Consent Order with Twin Montana, Inc. ("Twin Montana"). The Consent Order resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations for the period August 19, 1973 through January 27, 1981, when crude oil and petroleum products were decontrolled by Executive Order 12287, 46 FR 9909 (January 30, 1981). To remedy any violations that may have occurred during the period, Twin Montana has agreed to pay the principal amount of \$1,437,773.63; interest of \$51,355.88 for the period October 1, 1982 until December 22, 1982; and interest accrued on the above amounts until subsequent payment to the DOE.

As required by the regulation cited above, OSC will receive comments on the Consent Order for a period of not less than 30 days following publication

of this notice. OSC will consider any comments received before determining whether to make the Consent Order final. Although the Consent Order has been signed and accepted by the parties, the OSC may, after the expiration of the comment period, withdraw its acceptance of the Consent Order and attempt to obtain a modification of the Consent Order or, if appropriate, issue the Consent Order as proposed.

Comments: To be considered, comments must be received by 5:00 p.m. on the thirtieth day following publication of this notice, April 28, 1983. Address comments to: Twin Montana Consent Order Comments, Department of Energy, RG-30, Room 5109, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor, Economic Regulatory Administration, Department of Energy, RG-30, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461, Phone: (202) 633-9358.

Copies of the Consent Order may be received free of charge by written request to: Twin Montana Consent Order Request, Department of Energy, RG-30, Room 5109, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, Room 1E-190, Washington, D.C. 20585, between the hours of 8:00 a.m.-4:00 p.m.

SUPPLEMENTARY INFORMATION: Twin Montana is a producer and marketer of crude oil subject to compliance with the DOE Petroleum Price and Allocation Regulations (Regulations). During the period covered by the Consent Order, Twin Montana engaged in the production and marketing of crude oil. This Consent Order resolves all administrative and civil issues not previously resolved concerning the allocation and sale of covered petroleum products during the audit period, whether or not raised in a previous enforcement action.

Conclusion of OSC Audit

The Consent Order addresses all aspects of Twin Montana's compliance with the applicable Regulations. OSC raised certain issues with respect to Twin Montana's compliance with the Regulations. Notwithstanding DOE's position to the contrary, Twin Montana maintains that it has correctly construed and applied the Regulations. The parties, however, desire to resolve the issues raised without resort to complex

lengthy and expensive compliance actions. OSC believes that the terms and conditions of this Consent Order provide a satisfactory resolution of disputed issues and that the Consent Order is in the public interest.

Terms and Conditions of the Consent Order

To remedy any violations that may have occurred during the audit period, Twin Montana has agreed to the following payment: Within thirty (30) days after the Consent Order has been made effective, Twin Montana shall deliver a check to the DOE in the principal amount of \$1,437,773.63; interest on the principal in the amount of \$51,355.88 from October 1, 1982 until December 22, 1982; and interest paid by the First National Bank of Graham, Texas on the escrowed funds until subsequent payment to the DOE.

The Consent Order also provides details concerning the enforcement of the provisions of the Consent Order. Among other things, DOE reserves the right to initiate enforcement proceedings and to seek appropriate penalties for any newly discovered regulatory violations committed by Twin Montana, but only if Twin Montana knowingly concealed such violations.

Upon becoming final after consideration of public comments, the Order will be a final order of DOE to which Twin Montana has waived its right to administrative or judicial appeal. The Consent Order does not constitute an admission by Twin Montana or a finding by OSC of a violation of any Federal petroleum price and allocation statutes or regulations.

Submission of Written Comments

Interested persons are invited to submit written comments concerning this Consent Order to the address noted above. All comments received by 5:00 p.m. on the thirtieth day following publication of this notice will be considered by OSC before determining whether to adopt the Consent Order as a final order. Any modifications to the Consent Order that, in the opinion of OSC, significantly change the terms or impact of the Consent Order will be published for comment. If, after consideration of public comments, DOE determines to issue the Consent Order as a final order, the Consent Order will be made final and effective by notice to that effect to Twin Montana. Pursuant to 10 CFR 205.199](c), DOE will thereafter promptly publish in the Federal Register notice of any action taken on this Consent Order and an appropriate explanation of the action.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in Washington, D.C. March 16, 1983.
Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 83-7992 Filed 3-28-83; 9:45 am]

BILLING CODE 6450-01-M

Bi-Petro Refining Company, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration hereby gives notice of a Proposed Remedial Order which was issued to Bi-Petro Refining Company, Inc. of Springfield, Illinois.

The Proposed Remedial Order charges this company with unlawfully increasing its selling prices in the amount of \$4,365,386.86, plus accrued interest, in sales of covered product during the period of July 1978 through December 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 12th & Pennsylvania Avenue, N.W., Washington D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 17th day of March, 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83-7990 Filed 3-28-83; 9:45 am]

BILLING CODE 6450-01-M

Placid Oil Company; 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 Placid Oil Company at 1600 First National Bank Building, Dallas, Texas 75202. This Proposed Remedial Order alleges pricing violations in the amount of \$6,683,346 plus interest in connection with the sale of refined petroleum products, natural gas liquids and natural gas liquid products at prices in excess of those permitted by 10 CFR Part 212 during the time period August 19, 1973

through January 31, 1976.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Manager, Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7404. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 18th day of February 1983.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-7993 Filed 3-28-83; 9:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

National Petroleum Council, Coordinating Subcommittee on Petroleum Inventories and Storage Capacity; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting.

Name: Coordinating subcommittee of the Committee on Petroleum Inventories and Storage Capacity
Date and time: Thursday, April 7, 1983—4:00 a.m.

Place: Don Quixote Senior Suite, The Warwick, 5701 Main, Houston, Texas
Contact: Jimmie L. Petersen, Director, Office of Oil and Gas, Energy Information Administration, U.S. Department of Energy, Forrestal Building—Room 2H-058, Washington, D.C. 20585, Telephone: 202-252-6401

Purpose of Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to petroleum inventories and petroleum storage product capacities.

Tentative Agenda

- Review and approval of the primary segment questionnaire for the survey.
- Discussion of Subcommittee assignments.
- Discussion of the schedule for completing the overall study.
- Discussion of any other matters pertinent to the overall assignments of the Coordinating Subcommittee.
- Public comment.

Public Participation

The meeting is open to the public. Written statements may be filed with

the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Jimmie L. Petersen at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday, through Friday, except Federal holidays.

Issued at Washington, D.C. on March 18, 1983.

J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc. 83-7728 Filed 3-28-83; 9:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3207-002]

Borough of Saltsburg, Pennsylvania and Pennsylvania Renewable Resources, Inc; Application for Transfer of Major License

March 24, 1983.

Public notice is hereby given that an application was filed on November 26, 1982, under the Federal Power Act, 16 U.S.C. 791(a)-825(r), by Borough of Saltsburg, Pennsylvania and Pennsylvania Renewable Resources, Inc., licensees, and Borough of Saltsburg, Pennsylvania Renewable Resources, Associates, transferees, for transfer of Major license for the Conemaugh Project No. 30207. The project is located on the Conemaugh River in Westmoreland County, Pennsylvania. Correspondence should be directed to: Jeffrey Kossak, Pennsylvania Renewable Resources, Associates, 1185 Avenue of the Americas, Suite 2010, New York, New York 10036.

The said transferees are: Borough of Saltsburg, Pennsylvania; a municipal corporation under the laws of the Commonwealth of Pennsylvania and currently a co-licensee with Pennsylvania Renewable Resources, Inc. for Project No. 3207; and

Pennsylvania Renewable Resources, Associates: a Limited Partnership, comprised of Pennsylvania Renewable Resources Group, General Partner, and Jeffrey Kossak and David Goodman, Limited Partners, and organized under the laws of the Commonwealth of Pennsylvania; a limited partnership agreement which has been submitted to and recorded by the Commonwealth of Pennsylvania. Transferees submit that they will comply with all applicable laws of the Commonwealth of Pennsylvania as required by Section 9(b) of the Federal Power Act.

Anyone desiring to be heard or to make any protest about this application should file a motion to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 385.211 or 385.214. Comments not in the nature of a protest may also be submitted by conforming to the procedures specified for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearings, a person must file a motion to intervene in accordance with the Commission's Rules. Any comments, protests, or motions to intervene must be received on or before May 6, 1983. The Commission's address is: 825 North Capitol Street, N.E., Washington, DC, 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-7997 Filed 3-28-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-381-000]

Carolina Power & Light Co.; Filing

Take notice that Carolina Power & Light Company on March 14, 1983, tendered for filing with the Federal Energy Regulatory Commission changes as outlined below:

1. A new contract between the United States of America, Department of Energy, acting by and through the Southeastern Power Administration (SEPA) and Carolina Power & Light Company (CP&L), for the transmission of power from the John H. Kerr Dam located on the Roanoke River near the Virginia-North Carolina border. The filed Contract dated March 10, 1983, supersedes a Contract dated March 30, 1973, as amended (FPC No. 103).

Under the provisions of the filed Contract, CP&L will receive from SEPA 75,000 kW of dependable capacity. Of this capacity, 60,300 kW will be transmitted to the SEPA preference customers located within the service area of the Company. SEPA will make a monthly payment to CP&L for transmitting the power to the preference customers. The remaining capacity will provide losses and reserves to serve the existing preference customers.

2. Notice of Cancellation of the contracts between CP&L and the preference customers of SEPA for the supply of deficiency energy is hereby given. The contracts, titled "Contract for Sale and purchase of Deficiency Energy", with the following preference customers are to be cancelled:

| Customer | FPC No. |
|---------------------|---------|
| Brunswick EMC | 106 |
| Carteret-Craven EMC | 107 |
| Central EMC | 108 |
| Four County EMC | 109 |
| Halifax EMC | 110 |
| Jones-Onslow EMC | 111 |
| Lumbee River EMC | 112 |
| Poe Doe EMC | 113 |
| Piedmont EMC | 114 |
| Pitt and Greene EMC | 115 |
| Randolph EMC | 116 |
| South River EMC | 117 |
| Tideland EMC | 118 |
| Tri-County EMC | 119 |
| Wake EMC | 120 |
| Town of Louisburg | 123 |

¹FERC No.

Appropriate parts of the filing have been served upon the above Customers, the Southeastern Power Administration, and the utility commissions of North and South Carolina.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-7998 Filed 3-28-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. EL83-12-000]

John F. White; Application

March 23, 1983.

Take notice that on March 11, 1983, John F. White filed a petition for a declaratory order finding that the holding of the following positions is not jurisdictional under section 305(b) of the Federal Power Act:

Director, Hutton Investment Service
Director, Orange and Rockland Utilities

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 1, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 83-7999 Filed 3-28-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-380-000]

Interstate Power Co.; Filing

March 24, 1983.

Take notice that on March 14, 1983, Interstate Power Company (Interstate) tendered for filing a "Shared Transmission Agreement" between Southern Minnesota Municipal Power Agency (SMMPA) and Interstate.

Interstate states that this agreement provides for the development and utilization of a Shared Transmission System to deliver electric power and energy to Interstate customers and SMMPA members located within Interstate's electric service area. At present these SMMPA members located within Interstate's service area are:

Fairmont, Minnesota
Spring Valley, Minnesota
Wells, Minnesota
Owatonna, Minnesota
New Prague, Minnesota

Owatonna, Minnesota and New Prague, Minnesota are included as SMMPA members in the Interstate service area on a temporary basis only pending completion of contemplated transmission system changes which

would result in these communities being connected to another system.

Inasmuch as Owatonna and New Prague are included in this Agreement on a temporary basis only, electric service which they receive will be billed at the standard wheeling rate of \$0.00434 per Kwh. This rate was previously approved by the Commission in Docket No. ER76-555 and applies to similar types of service provided by Interstate to other customers.

Interstates requests an effective date of February 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of practice and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

FR Doc. 83-8001 Filed 3-28-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER80-678-005]

**Missouri Public Service Co.;
Compliance Filing**

March 23, 1983.

Take notice that on March 14, 1983, Missouri Public Service Company submitted for filing revised rates pursuant to the Commission's letter order dated February 17, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 11, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

FR Doc. 83-8001 Filed 3-28-83; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5124-002 and Project No. 5124-003]

**Montpelier Hydroelectric Co. and
Washington Electric Cooperative, Inc.;
Applications for Transfer and
Amendment of Minor License**

March 24, 1983.

Public notice is hereby given that applications were filed on February 16, 1983, under the Federal Power Act, 16 U.S.C. 791(a)-825(r), by the Montpelier Hydroelectric Company (Licensee) and the Washington Electric Cooperative, Inc. (Transferee) for the transfer and amendment of the minor license for the North Branch No. 3 Project No. 5124, located on the North Branch of the Winooski River in Washington County, Vermont. Compensation shall be paid to the Licensee by the Transferee.

The project, licensed on November 23, 1982, will utilize the U.S. Army Corps of Engineers' Wrightsville Flood Control Dam, and consists of a 350-foot-long penstock, a powerhouse containing one 100-kW and one 900-kW turbine/generator unit and short transmission line.

The Transferee is a Vermont-based non-profit, stock membership corporation, and will accept all the terms and conditions of the license, as amended, should the transfer be approved.

The Licensee seeks to amend Article 20 of the license in order to extend the date by which commencement of construction must occur until one year from the date of approval of the transfer of the license and likewise to extend the date of completion accordingly. Initially, commencement and completion of project construction was to be effected by one and three years, respectively, from the effective date of the license.

Any person desiring to be heard or to make any protest about this application should file a motion to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 385.214 or 385.214. Comments not in the nature of a protest may also be filed by conforming to the procedures specified for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearings, a person must file a motion to intervene in accordance with the Commission's Rules. Any comments, protest, or motion to intervene must be received on or before May 6, 1983. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C.

20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-8001 Filed 3-28-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-238-001]

**Northwest Pipeline Corp.; Amendment
to Application**

March 24, 1983.

Take notice that on March 7, 1983, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP82-238-001 an amendment to its pending application filed on March 16, 1982, in Docket No. CP82-238-000 pursuant to Section 311(a)(1) of the Natural Gas Policy Act of 1978 so as to reflect Applicant's intent that the proposed service is on behalf of three distributor customers, all as more fully set forth in the amendment with is on file with the Commission and open to public inspection.

In its application Applicant stated that Interex, Inc., Thermal Exploration, Inc., and Development Associates, Inc. have arranged to sell volumes of natural gas produced in the Lincoln Road Area of Lincoln and Sweetwater Counties, Wyoming, to their respective distribution company affiliates, Intermountain Gas Company, Washington Natural Gas Company and The Washington Water Power Company. Applicant proposes to gather and transport up to 10,000 Mcf of natural gas per day for the accounts of the producers pursuant to a transportation agreement dated June 1, 1977, as amended July 15, 1981. Applicant further proposes to utilize all present and future mutually agreed upon delivery points from the producers to Applicant so long as such points are located in the area of interest stated in said agreement.

Specifically, Applicant proposes to receive up to 10,000 Mcf of natural gas for the producers' account at the wellheads of the Lincoln Road #1, #2, #3, #4, #7 and #11 wells and deliver such gas reduced by 5.0 percent which would be purchased by Applicant and further reduced by certain volumes to be retained as compensation for compressor fuel and lost or unaccounted for gas.

Applicant asserts that the deliveries from Applicant to the purchasers would be made at the points of interconnection between Applicant and the purchasers at which Applicant is authorized to sell and deliver volumes of natural gas to

the purchasers pursuant to effective service agreements.

It is stated by Applicant that the transportation rates and fuel reimbursement rates which Applicant would charge the producers for all volumes transported for their account from the delivery points hereunder to Applicant's mainline transmission facilities and to the mainline redelivery points would be the Big Piney Gathering Area rates and the Mainline transportation rates, as set forth from time to time in Sheet Nos. 2 and 2-B, respectively, of Applicant's FERC Gas Tariff, Original Volume No. 2. It is asserted that the currently effective mainline fuel rate is 1 percent and the Big Piney Area fuel rate is 1.18 percent. It is further stated that the currently effective Sheet Nos. 2 and 2-B provide for a Big Piney Area rate equal to 23.27 cents per million Btu and a mainline transportation rate equal to 1.34 cents per million Btu for each one hundred mile increment of mainline transportation.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-8003 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-579-001]

**Southern Company Services, Inc.;
Order Granting Rehearing in Part and
Allowing Intervention**

Issued: March 23, 1983.

On January 21, 1983,¹ the Commission issued an order that, *inter alia*, accepted

¹ 22 FERC ¶ 61,047.

for filing three related contracts between the operating companies of Southern Company Services, Inc. (SCSI) (the Southern Companies)² and Gulf States Utilities Company (GSU). Lafayette moved to intervene and requested that the Commission condition acceptance of the contracts upon GSU and MPC providing transmission and interchange service to other utilities and GSU providing Lafayette with transmission service to enable Lafayette to sell excess power to customers in Mississippi. The Commission rejected Lafayette's motion to intervene and request for conditioning because Lafayette's generalized allegations did not appear germane to the proposed agreements. Thus, Lafayette had stated no basis upon which to grant intervention in accordance with Rule 214 (18 CFR 214).

On February 22, 1983, Lafayette filed an application for rehearing, raising for the first time contentions that the contracts may adversely affect rates paid by Lafayette to GSU or other interconnected utilities, that the GSU transmission rate to the Southern Companies may be unduly preferential, and that the contracts may be discriminatory and anti-competitive regarding Lafayette. These contentions clearly articulate for the first time a relevant interest in the outcome of this proceeding. As the proceeding is not at an advanced stage we will grant rehearing to permit Lafayette to intervene. In so doing, however, we will not sanction any delay in this proceeding as a result of Lafayette's new contentions. Lafayette must take the record as it finds it and subject to any procedural schedule that may be in place.

A final word is in order concerning Lafayette's application for rehearing. This is the second occasion in less than a year in which Lafayette has filed a defective motion to intervene on substantially identical grounds.³ This is likewise the second time we have permitted Lafayette to raise new grounds for intervention in an application for rehearing. We repeat here that the fundamental purpose of the protest and motion to intervene is to notify the Commission and the parties *at the outset* of those issues which the interested parties intend to raise and of the basis in fact and law for their positions. See Rule 214(3)(b). Thus,

² Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company (MPC).

³ See *Middle South Services, Inc.*, Docket No. ER82-483-001, "Order Granting Rehearing in Part and Allowing Intervention," 20 FERC ¶ 61,445 (Sept. 29, 1982).

Lafayette and other potential intervenors are hereby given notice that failure to abide by this reasonable requirement in the future will be at their peril.

The Commission orders:

(A) Rehearing of the Commission's January 21, 1983 order in this proceeding, 22 FERC ¶ 61,047 (1983), is hereby granted for the limited purposes discussed in the body of this order. Lafayette is hereby permitted to intervene in the proceeding subject to the Commission's Rules of Practice and Procedure.

(B) The Secretary shall promptly publish this order in the *Federal Register*.

By the Commission.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 83-8004 Filed 3-28-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC 83-13-000]

Union Electric Co., et al.; Application

March 24, 1983.

The filing companies submit the following: Take notice that on March 16, 1983, Union Electric Company, Missouri Utilities Company, Missouri Power & Light Company, and Missouri Edison Company filed a joint application pursuant to Section 203 of the Federal Power Act seeking an order authorizing the merger of all Missouri Utilities Company's, Missouri Power & Light Company's, and Missouri Edison Company's facilities subject to the jurisdiction of the Federal Energy Regulatory Commission with and into Union Electric Company's facilities subject to the jurisdiction of the Federal Energy Regulatory Commission.

Union Electric Company is a Missouri corporation with its principal business office in St. Louis, Missouri and primarily is engaged in the electric utility business in Missouri, Iowa and Illinois.

Missouri Utilities Company is a Missouri corporation with its principal business office in Cape Girardeau, Missouri and primarily is engaged in the electric utility business in Missouri.

Missouri Power & Light Company is a Missouri corporation with its principal business office in Jefferson City, Missouri and primarily is engaged in the electric utility business in Missouri.

Missouri Edison Company is a Missouri corporation with its principal business office in Louisiana, Missouri and primarily is engaged in the electric utility business in Missouri.

All of the outstanding common stock of Missouri Utilities Company, Missouri Power & Light Company and Missouri Edison Company is owned by Union Electric Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-8005 Filed 3-28-83; 8:45 am]
BILLING CODE 6717-01-M

1982 Annual Oil Pipeline Construction Costs

March 25, 1983.

The Federal Energy Regulatory Commission (FERC), by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Take notice that the FERC is now giving consideration to costs associated with the construction of oil pipelines during 1982. These costs will be translated to 1982 price index numbers which show the relative costs of oil pipeline construction using 1947 Period Costs equal to 100.

In the development of the annual indices, major consideration is given to data submitted by all jurisdictional oil pipelines pursuant to valuation orders in 18 CFR 360.103 and 360.104 (formerly 49 CFR 1260.103 and 1260.104). Such data include pipe purchases, tank construction, pump and motor purchases, buildings constructed, labor cost for laying new pipelines, and other related pipeline construction and facilities costs. In addition, consideration is given to other sources of cost data pertinent to oil pipelines.

Any person desiring to submit information for the FERC's consideration in the development of the 1982 annual oil pipeline construction indices should file an original and six

copies of such information with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 6, 1983. Copies of the filings will be available for public inspection.

By the Oil Pipeline Board.
Francis J. Connor,
Administrative Officer Oil Pipeline Board.

[FR Doc. 83-8006 Filed 3-28-83; 8:45 am]
BILLING CODE 6716-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed; Week of February 7 Through February 11, 1983

During the week of February 7 through February 11, 1983, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,
Director, Office of Hearings and Appeals.
March 21, 1983.

Hideca Petroleum Corporation, Houston,
Texas, HRO-0118

On February 7, 1983, Hideca Petroleum Corp. (Hideca), One Riverway, Suite 2480, Houston, Texas 77058, filed a Notice of Objection to a Proposed Remedial Order which the Houston Office of the DOE Economic Regulatory Administration issued to the firm on January 5, 1983. In the PRO, the Houston Office found that during the period October 1978 through November 1979, Hideca resold crude oil at prices in excess of actual purchase prices during the audit period without performing any service or other function traditionally associated with the resale of crude oil, in violation of 10 CFR 205.202, 210.62(c), and 212.186. According to the PRO, the Hideca violation resulted in \$7,847,940.48 of overcharges.

Southern Union Refining Company and Midland Lea, Incorporated, Hobbs, New Mexico, HRO-0119

On February 7, 1983, Southern Union Refining Company and Midland Lea, Inc., P.O. Box 980, Hobbs, New Mexico 88240, filed a Notice of Objection to a Proposed Remedial Order which the DOE Special Counsel for Compliance issued to the firms on January 7, 1983. In the PRO, the Special Counsel found that during the period April through December 1980, the firms charged prices in excess of those permitted by 10 CFR parts 205, 210, and 212, Subparts I and L for the resale of crude oil. According to the PRO, the Southern Union Refining Company violation resulted in \$3,386,339.07 of overcharges.

[FR Doc. 83-7981 Filed 3-28-83; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of February 21 Through February 25, 1983

During the week of February 21 through February 25, 1983, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 1200 Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: March 23, 1983.
George H. Breznay,
Director, Office of Hearings and Appeals.

Appeals

Continental Claims Service, 2/25/83, HFA-0108

Continental Claims Service filed an Appeal from a partial denial by the Acting Freedom of Information Officer of the Bonneville Power Administration of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that certain of the documents which were initially withheld under exemption 5 contained segregable factual material and that the factual material should be released to the public.

Ian Y. Lind, 2/23/83, HFA-0092

Ian Y. Lind filed an Appeal from a denial by the Director of the DOE's Office of Classification of a Request for Information which he had submitted under the Freedom

of Information Act (the FOIA). In considering the Appeal, the DOE found that certain portions of a document entitled OPNAVINST S5513.9A, which were initially withheld under Exemptions 2 and 3, should be released to the public.

Western Energy Planners, Ltd., 2/25/83, HFA-0112

Western Energy Planner, Ltd. filed an Appeal from a partial denial by the DOE Inspector General of a request for information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the appeal, the DOE found that the Inspector General properly withheld certain documents pursuant to exemption 5 of the FOIA. In making this finding, the DOE considered the following: (i) Whether purely factual material could be withheld under exemption 5; (ii) whether the withheld material was deliberative in nature; and (iii) whether release of the withheld material was in the public interest.

Remedial Order

Bragg Service Center, Inc., 2/22/83, BRO-0821

Bragg Service Center, Inc. objected to a Proposed Remedial Order (PRO) issued to Salvatore and Richard Snisky, doing business as Bragg Service Center, Inc., by the Northeast District of the Economic Regulatory Administration (ERA). In the PRO, ERA alleged that the firm had charged prices for motor gasoline which exceeded its maximum lawful selling prices calculated pursuant to 10 CFR 212.93 and that the firm had violated the posting and certification provisions of 10 CFR 212.129. After considering Bragg's objections, the Office of Hearings and Appeals determined that the PRO should be issued as a final Remedial Order with the modification that Salvatore Snisky or Richard Snisky or Bragg Service Center, Inc. shall remit the amount of the overcharges plus interest to the United States Treasury. The principle issue which OHA discussed in the decision was whether it should consider Bragg's exception arguments in an enforcement proceeding.

Request for Exception

Spring Brook Ice & Fuel Company, 2/22/83, HEE-0048

Spring Brook Ice & Fuel Company filed an Application for Exception from the reporting requirements of the Federal Energy Administration Act of 1974 and the Emergency Energy Conservation Act of 1979. The firm sought to be relieved of the monthly reporting requirement to file Form EIA-782B, "Monthly No. 2 Distillate Sales Report." In considering the request, the DOE found that Spring Brook had not demonstrated that compliance with the reporting requirement would result in a serious hardship or gross inequity. The DOE concluded that, based on the information submitted by the firm, the filing requirement amounted to little more than an inconvenience which did not outweigh the benefits accruing to the public from receipt of the report. Accordingly, exception relief was denied.

Request for Temporary Stay

Earl E. Wall, 2/24/83, HRT-0002

Earl E. Wall filed an Application for Temporary Stay of the provisions of a final Remedial Order issued to him by the Department of Energy on September 20, 1982. In considering the Application, the DOE determined that Wall failed to meet the criteria for temporary stay relief set forth in 10 CFR 205.197(a). Wall's temporary stay request was therefore denied.

Refund Applications

Standard Oil Company (Indiana)/9 Mile Beach Standard Service et al., 2/25/83, RF21-727 et al.

On February 25, 1983, the DOE issued a Decision and Order concerning 99 Applications for Refund from branded retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). Each retailer submitted detailed information concerning its Amoco purchase volumes. After analyzing this information, the DOE concluded that each of the 99 applications should receive a refund based upon the total volume of their Amoco motor gasoline purchases. Accordingly, these applications were granted in full.

Tenneco Oil Company/Capitol Oil Company, 2/22/83, RF7-105

Capitol Oil Company filed an Application for Refund seeking a portion of the fund obtained by the DOE through a consent order entered into by the agency and Tenneco Oil Company. See *Office of Special Counsel*, 9 DOE ¶ 82,538 (1982). Capitol is a reseller-retailer of No. 2 fuel in Baltimore, Maryland which purchased product from Tenneco during the consent order period. Although the firm purchased more than 50,000 gallons of middle distillate per month, it applied for a threshold refund based on purchases of 50,000 gallons per month for each month in which it had purchased covered Tenneco product. Because the refund claim was limited to the threshold amount, Capitol was not required to demonstrate that Tenneco's pricing practices had caused the firm to experience a competitive injury. Therefore, the DOE approved a refund for purchases of 2,000,000 gallons of fuel oil during the period March 1973 through June 1976, plus a proportionate share of the accrued interest.

Dismissal

The following submission was dismissed:

Name and Case No.

Reco Petroleum, Inc.—HRO-0110

[FR Doc. 83-7906 Filed 3-28-83; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

National Petroleum Council, Chemical Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Chemical Task Group of the Committee

on Enhanced Oil Recovery will meet in April 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Chemical Task Group meeting follows:

The Chemical Task Group will hold its fifth meeting on Thursday and Friday, April 14 and 15, 1983, and starting at 10:00 a.m. each day, in Room 112, Phillips Petroleum Company, Research Forum, Bartlesville, Oklahoma.

The tentative agenda for the Chemical Task Group Meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Chemical Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Chemical Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on March 24, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-7994 Filed 3-28-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Miscible Displacement task Group of the Committee on Enhanced Oil Recovery will meet in April 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Miscible Displacement Task Group meeting follows:

The Miscible Displacement Task Group will hold its fifth meeting on Tuesday and Wednesday, April 12 and 13, 1983, starting at 9:00 a.m. each day, in Room 1603, Mobile Exploration and Production Services, Inc., 7200 North Stemmons Freeway, Dallas, Texas.

The tentative agenda for the Miscible Displacement Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Miscible Displacement Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Miscible Displacement Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on March 24, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-7995 Filed 3-29-83; 845 am]

BILLING CODE 6450-01-M

WESTERN AREA POWER ADMINISTRATION

Colorado River Storage Project; Order Submitting Substitute Power Rates

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Substitute Power Rates—Colorado River Storage Project.

SUMMARY: Notice is given of Rate Order No. WAPA-18 of the Assistant Secretary for Conservation and Renewable Energy to submit substitute wholesale power rates for power marketed by the Western Area Power Administration (Western) from the Colorado River Storage Project, Arizona, Colorado, New Mexico, Nevada, Utah, and Wyoming.

FOR FURTHER INFORMATION CONTACT:

Mr. Albert M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 1606, Salt Lake City, UT 84147, (801) 524-5493.

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, P.O. Box 3402, Golden CO 80401, (303) 231-1535.

Mr. Fred Sheap, Office of Power Marketing Coordination, CE-90, Department of Energy, Mail Code 3353, Federal Building, Washington, DC 20461, (202) 633-8338.

SUPPLEMENTARY INFORMATION: By Delegation Order No. 0204-33, effective January 1, 1979 (43 FR 60636, December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0244-33 was amended, effective March 19, 1981 (46 FR 25426, May 7, 1981), to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant

Secretary for Conservation and Renewable Energy.

Pursuant to the delegation order, the Assistant Secretary for Resource Applications issued on December 23, 1980, Rate Order No. WAPA-4 (45 FR 86988, December 31, 1980), which confirmed and approved on an interim basis, Rate Schedules SP-F1 and SP-FP1 for wholesale power marketed by Western from the Colorado River Storage Project. The rates because effective the first day of the first full billing period beginning on or after January 23, 1981, and were to remain in effect for a period of 12 months unless the period was extended or until the FERC confirmed and approved the, or substitute rates, on a final basis. The rates were submitted to the FERC for confirmation and approval on a final basis on December 23, 1980. Rate Order No. WAPA-7 was issued on December 18, 1981 (46 FR 62927, December 29, 1981), to extend the power rates pending the FERC confirmation and approval of them, or substitute rates, on a final basis, or until they were superseded.

On October 12, 1982, the FERC disapproved the provisional rates. On November 9, 1982, Western requested a rehearing which the FERC granted on December 9, 1982. On January 20, 1983, Western requested an additional 90 days to file substitute rates, and on February 8, 1983, the FERC granted Western a 30-day extension.

The purpose of Rate Order No. WAPA-18 is to submit substitute power rates to the FERC for final approval.

Issued in Washington, D.C. March 21, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Assistant Secretary for Conservation and Renewable Energy

In the matter of: Western Area Power Administration—Colorado River Storage Project Power; order submitting substitute power rates; Rate Order No. WAPA-18, FERC Docket No. EF81-5021-000. March 21, 1983.

Pursuant to section 302(a) of the Department of Energy (DOE) Organization Act of August 4, 1977 (42 U.S.C. 7101 et seq.), the power marketing functions of the Secretary of the Interior for the Bureau of Reclamation (Bureau) under the Reclamation Act of 1902 (43 U.S.C. 372 et seq.), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) and acts specifically applicable to the Colorado River Storage Project (CRSP), were transferred to and vested in the Secretary of Energy. By

Delegation Order No. 0204-33, effective January 1, 1979 (43 FR 25426, May 7, 1981), the Secretary of Energy delegated to the Assistant Secretary, Conservation and Renewable Energy (hereafter called the Assistant Secretary), the authority to develop power and transmission rates, acting by and through the Administrator of the Western Area Power Administration (Western), and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation.

The delegation order further provides that, in the event a rate is disapproved, the Assistant Secretary must develop and submit a substitute rate to the FERC for approval. That provision is the basis for this rate order.

Background

Following the procedures for public participation in power and transmission rates that have been published in the Code of Federal Regulations at 10 CFR part 903, Western developed provisional rates which the Assistant Secretary placed into effect for a 1-year period on an interim basis (Rate Order No. WAPA-4) on January 23, 1981. The rates, Rate Schedules SP-F1 and SP-FP1, were filed with the FERC on December 29, 1980, and the filing was supplemented on March 17, 1981. The Colorado River Energy Distributors Association (CREDA) filed a protest and a petition to intervene. CREDA is an association of CRSP power users who purchase most of the CRSP power. The FERC granted CREDA's petition to intervene. The provisional rates were extended on an interim basis on December 18, 1981, by Rate Order No. WAPA-7, pending the FERC confirmation and approval of them, or substitute rates, or until they are superseded.

On October 12, 1982, the FERC issued an order disapproving the provisional rates based on the available record in connection with three issues. The order stated that future participating project costs could be included if the Bureau, the agency that will construct these projects, could provide a good faith showing that, at the time the rates were being developed, it reasonably expected these projects to be built. With regard to projected capacity sales, the order stated that Western had been able to sell almost all of its capacity historically, and that Western had not supplied sufficient justification to demonstrate that this would change in

the future. A third CREDA challenge related to the belief that Western had included costs associated with rewinding and uprating certain Glen Canyon generating units but had failed to include revenues from the additional capacity that would be available. The FERC stated there should be a matching of costs and revenues.

On November 9, 1982, and November 12, 1982, respectively, Western and CREDA filed requests for a rehearing, and on December 9, 1982, the FERC granted the rehearing solely for the purpose of further consideration. On January 20, 1983, Western requested an additional 90 days in which to file substitute rates because of the uncertainty created by the outstanding requests for rehearing and because it would allow Western sufficient time to complete a new power repayment study (PRS) in place of the original PRS. On February 2, 1983, CREDA filed a response opposing Western's request, urging the FERC to prohibit the substitution of a new PRS, and asking for a rehearing on other matters pertaining to the CRSP rate adjustment.

On February 8, 1983, the FERC issued an order granting Western a 30-day extension to file a substitute rate and denying the substitution of a new PRS in place of the original. In addition, the order states that, based on additional support presented by Western, it appears that it was reasonable not to project any increases in capacity due to Glen Canyon generator rewinds, and so the FERC granted Western's request for reconsideration on this point. With regard to the inclusion of future participating project costs and the use of lower quartile capacity instead of average capacity for projecting revenues, the FERC's views expressed in the October 12, 1982, order remained unchanged. The February 8, 1983, FERC order denied CREDA's request for a rehearing on other matters relating to the CRSP rate adjustment. On March 11, 1983, Western requested an additional 10-day extension to file substitute rates. The FERC has not yet acted on that request.

Discussion

Glen Canyon Rewinds

The FY 1977 PRS included funds for replacing the stator windings of four of the eight Glen Canyon generators because of insulation deterioration. No funds were included in the FY 1977 PRS for replacing the stator windings of the other four generators, nor were any studies made at that time to determine whether or not the generators could be uprated because of the stator winding

replacements. Since that time, studies made by the Bureau indicate that, in order to be able to uprate the generators, it would be necessary to replace the rotor windings, strengthen the rotor arms, modify the cooling mechanism, and make other mechanical modifications, in addition to replacing the stator windings. A cost of about \$2 million was included in the FY 1977 PRS for replacement of the four stator windings. It is now estimated that it will cost an additional \$12 million to uprate the eight generators including replacing the stator windings of the four remaining units.

The Bureau is now proceeding with plans to uprate the generators, and it appears reasonable to assume that the uprating and increase in CRSP revenues will eventually be accomplished (expected by 1987). It was not reasonable at the time of the FY 1977 PRS to assume that replacing that stator windings would result in generator upratings and increased CRSP revenues. In 1977, those replacements were necessary maintenance work because of the deterioration of insulation, and there were no additional revenues expected to match these costs.

Western understands that, on the basis of its petition for rehearing, the FERC has concluded that rewinding the four Glen Canyon generators did not produce additional capacity, and that revenues and costs were therefore appropriately matched.

Substitute Rates

As directed in the FERC's orders of October 12, 1982, and February 8, 1983, an analysis has been made to develop substitute rates for the provisional rates which have been in effect since January 23, 1981, on an interim basis under Rate Order Nos. WAPA-4 and WAPA-7. The two issues discussed below (which were the remaining bases for the disapproval) were considered in determining substitute rates, in conjunction with the historical information provided in this order for the FY 1978-82 period.

Participating Projects Costs

In its October 12, 1982, order, the FERC agreed that the CRSP act appeared to contemplate "the accumulation of power revenues in the Upper Colorado River Basin Fund in excess of operating needs * * *" and stated that, "the collection of these revenues in advance of any Federal investment assures that the unassigned excess power revenues are adequate to repay the Federal investment as required within the time provided by the CRSP Act." While agreeing in principle

with the precollection in revenues, the FERC noted that the record before them contained no basis for distinguishing between any of the future project costs. The FERC was therefore unable to conclude whether a rational basis had been established for the rates. The FERC further stated that Western has not distinguished between participating projects which appear likely to be built and projects which appear unlikely to be built, but has included all projects in the study. The October 12, 1982, order states that the FERC would permit the inclusion of a particular participating project upon a good faith showing that the Bureau, which constructs, owns, and operates these projects, reasonably expects the project to be built, while the recent order indicates that Western must provide the good faith showing. Western understands both orders to mean that it will obtain a good faith showing from the Bureau and will provide that information to the FERC.

Since the FERC requested that the substitute rates be based on the FY 1977 PRS, the most current information available on the participating projects has not been used. Western requested, in a letter to the Commissioner of the Bureau dated February 15, 1983, that information be provided as to which participating projects, or separable features thereof, the Bureau reasonably expected would be constructed as of FY 1977. The Commissioner responded on March 8, 1983, and advised that as of FY 1977 eight of the participating projects and a separable feature of a ninth project were completed, that ten participating projects were expected to be completed, including four separable features of the Central Utah Project, and that two of the authorized projects were not expected to be completed.

A small amount of funds already expended for the projects not expected to be completed were included as repayable costs in the FY 1977 PRS, but no projected costs for those projects were included. Western's FY 1977 PRS included projected costs for the ten participating projects that the Bureau reasonably expected to be constructed based on: (1) Favorable benefit-cost ratios, (2) the fact that repayment contracts had been signed or were scheduled for signature shortly, and (3) that funds were requested for all of them in the Bureau's FY 1978 budget.

Both of the letters identified above are attached as exhibit A. Based on the information provided by the Bureau, Western concludes that the participating project costs included in the FY 1977 PRS were proper.

Western would be remiss, however, if it failed to point out that, while the

Bureau provided the requested information, it is the Commissioner's belief that the FERC was not granted a role in the process of planning for and developing authorized participating projects by the Congress, and should therefore not attempt to substitute its judgment and interpretation of law for that of the Secretary of the Interior, contrary to the congressional will. As requested by the Bureau, a copy of an opinion written by the Solicitor of the Department of the Interior is included in exhibit A.

Lower Quartile Capacity

In its order dated October 12, 1982, the FERC stated that absent sufficient justification demonstrating that Western will be unable to market its capacity, it would expect Western to use an average water year for determining marketable capacity.

The FERC also stated that the record before them demonstrated that Western has been able to sell almost all of its available capacity, and that no adequate rationale had been provided for an assumption that this would not continue to be the case. In reviewing the data that were submitted to the FERC with the original filing, it is understandable that the FERC was unable to determine to its satisfaction that the projected capacity sales were reasonable. Western has reexamined its basis for projecting capacity sales in the FY 1977 PRS, as revised, and determined what effect several other methods of projecting capacity sales would have had on the rate.

Capacity sales in the FY 1977 PRS were generally based on lower quartile capacity projections, while the rates in effect from June 1977 to January 1981 were based on FY 1974 PRS which used adverse capacity projections. The use of adverse capacity projections was in accordance with Bureau policy expressed in the letter dated December 3, 1974, included as exhibit B. In looking at the comparison below of the projected capacity sales with the actual capacity sales from 1975 through 1977, there would have been no reason to think at the time the FY 1977 PRS was being prepared that the adverse capacity projections utilized in the FY 1974 PRS should be changed:

| Fiscal year | Projected capacity sales (kW) ¹ | Actual capacity sold (kW) ² | Percent difference |
|-------------|--|--|--------------------|
| 1975 | 1,198,000 | 1,185,404 | -1.0 |
| 1976 | 1,240,000 | 1,237,886 | -0.2 |
| 1977 | *1,280,000 | *1,217,916 | -5.8 |

| Fiscal year | Projected capacity sales (kW) ¹ | Actual capacity sold (kW) ² | Percent difference |
|-------------|--|--|--------------------|
| Total | 3,718,000 | 3,641,306 | -2.1 |

¹ From the fiscal year 1974 PRS.

² From operating reports.

³ Crystal Powerplant was expected on line in the summer of fiscal year 1977, but was delayed until fiscal year 1978. Projected capacity for fiscal year 1977 would have been 1,231,000 kW without the additional capacity expected with Crystal in service.

*Includes the transition quarter (July-September 1976) when the fiscal year was changed from July 1-June 30 to October 1-September 30.

However, in 1977, Western was in the process of allocating peaking capacity of 108 megawatts (MW) in the summer and 277 MW in the winter and expected to be able to make short-term capacity commitments because of the market conditions.¹ Based on available marketing information at the time the FY 1977 PRS was prepared, a projection of saleable capacity for 1978-88 was made. This projection was used in the FY 1977 PRS for the initial years. A comparison of that estimate with actual sales from 1978-82 is tabulated on sheet 1 of exhibit C. As shown on the graphs on sheets 3 and 4 in exhibit C, this marketing estimate approximated the lower quartile capacity projected in the hydrological studies. During the winter, the marketing estimate was slightly lower than lower quartile, and during the summer, the marketing estimate was lower for a few years and then higher than lower quartile capacity.² Beginning with 1989, the lower envelope of the lower quartile capacity projections was used in the FY 1977 PRS (see sheets 3 and 4 of exhibit C). While we can now compare the estimated and actual capacity sales for 1978-82 and know that the marketing estimate was very reasonable (within ± 5 percent; averaging +.4 percent for the 5-year period), there is no way to ascertain with any certainty whether the lower envelope of the lower quartile, the smoothed (average) lower quartile, the smoothed average, or some other statistic should have been used after 1989. The relative impact on the rates of several alternatives is shown below:

¹ Several large utilities in the area were short of capacity. Public Service Company of New Mexico and Public Service Company of Colorado purchased, on the average, a total of 129 MW a year for the 1976-80 period. The area presently does not have a shortage of capacity. As shown on sheet 2 of exhibit C, there is now about 1,500 MW of surplus capacity in the market area.

² It should be noted from the graph on sheet 4 of exhibit D that until sometime in the 1990's, the average capacity and lower quartile capacity projections are identical. Exhibit D describes more fully the differences between these two statistical measures, and the variations in the lower quartile statistic that can be used.

| Hydrological capacity projection beginning in fiscal year 1989 | Average composite firm rate (at a 58.2 percent seasonal load factor) (mills per kilowatt-hour) |
|--|--|
| Lower Envelope of Adverse | 8.79 |
| Lower Envelope of Lower Quartile | 7.89 |
| Smoothed Lower Quartile | 7.73 |
| Smoothed Average | 7.81 |

Lacking conclusive evidence as to which projection is the most reliable, other factors must be taken into consideration. For this substitute rate, the most relevant other factor is the actual historical information now available that is discussed in the next section of this order.

Additional Discussion

A comparison of the estimated costs and revenues and actual costs and revenues for the FY 1978-82 period is on sheet 5 of exhibit C. This comparison shows that actual net revenues available for repayment of investments were about \$14 million less than the projected requirements for that period. This represents a 19 percent shortfall in revenues required to meet projected repayment requirements. Consequently, it would be inappropriate to make any changes, such as using average capacity projections, which would reduce revenues further.

These data (shown graphically on sheet 8 of exhibit C) demonstrate that the CRSP power rate was actually too low during FY 1978-82, and this shortfall has contributed to the need for further rate increases, which were proposed by Western in a Federal Register notice dated October 18, 1982. Since a mechanism to correct this revenue shortfall for the period from 1978-82 is not available, Western is filing substitute rates that are identical to the provisional rates and expects to follow the filing of these substitute rates with filings for increases in the CRSP transmission and power rates. This is consistent with past Federal rate-making practice. Since annual repayment schedules for investments are not fixed, any shortfall or over collection of revenues is compensated for in the development of the next repayment schedule (PRS).

While total cumulative revenues at the end of FY 1982 exceeded projections by \$22,542,000, the total cumulative operating expenses exceeded projections by \$36,328,000, leaving a shortfall of about \$14,000,000 in the net revenues available for repayment of investment. Sheets 5 and 8 of exhibit C also show that the investments placed in

service were lagging projected inservice dates. About 16 percent of the expected new investment between 1978 and 1982, or \$40 million, was not in service at the end of FY 1982. This would not affect the revenue requirements, however, since the rate-setting point in the FY 1977 PRS was 2046, based on those investments expected to begin a 50-year repayment period in 1996.

References to "precollection" of revenues in the FERC orders have prompted the filing of additional information to demonstrate that excessive revenues have not been collected. To dispel the possible misunderstanding that Western has precollected revenues under the CRSP rates in effect, a graph based on the FY 1977 PRS which shows the status of the repayment of investments has been included in exhibit C. This graph (sheet 7) shows the historical and projected investments and the revenue available to repay these investments. This plot shows that the investments (excluding replacements³) that were in service at the end of FY 1977 exceed the cumulative revenue available for repayment through FY 1997 and that the investments by FY 2002 (the year the last participating project completes its development period) exceed the cumulative revenue available for repayment by \$1.1 billion. It can be seen from the graph on sheet 7 of exhibit C that no revenue would be collected for application to an investment prior to the time the investment is placed in service through about FY 2040. The only correct application of the term "precollection" would be to revenues projected after about 2040. During that period revenues in excess of repayment requirements would be collected to comply with the apportionment formula in section 5(e) of Public Law 84-485.

The graphs on sheets 9 and 10 of exhibit C show that considerably less investment has been repaid to date using a PRS with projected participating project costs included than would have been required if a straight-line amortization method were used for the actual repayment of the investments made through FY 1982. A comparison of these graphs shows that, on the basis of participating project investments made through FY 1982, the apportionment formula in section 5(e) of Public Law 84-485 increases the repayment requirements by about \$100 million. However, even if the requirement to

³ Replacements were excluded to make it clear when the last original investment (as opposed to replacements) goes into service. A plot with replacement included is shown on sheet 8 of exhibit C.

apportion revenues is ignored, the cumulative repayment of investments to date would have had to be about 50 percent greater if a straight-line amortization method were used. A tabulation of the repayment requirements using the straight-line amortization method is included on sheet 11 of exhibit C.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby submit substitute rates to the FERC for final approval. These rates are included as exhibit E.

Issued in Washington, D.C., March 21, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 83-7983 Filed 3-28-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL 2331-2]

Fuel Economy Retrofit Devices; Evaluation for P.A.S.S. KIT

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the completion of the EPA evaluation of the "P.A.S.S. KIT" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act. This notice also announces the findings, conclusions and availability of the report.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313) 668-4299.

SUPPLEMENTARY INFORMATION:

I. Background

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) require that:

(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine

whether the representations (if any) made with respect to such retrofit devices are accurate.

(c) The EPA Administrator shall publish in the *Federal Register* a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device.

EPA published final regulations establishing procedures for conducting evaluations of fuel economy retrofit devices on March 23, 1979 [44 FR 17946].

II. Origin of Request for Evaluation, Device Description and Report Identification

On January 18, 1982 the EPA received a request from the Cartel Division of the Vandenberg Corporation for an evaluation of a fuel retrofit economy device termed P.A.S.S. KIT. This device is designed to eliminate the load of the air conditioning compressor when the vehicle is accelerating and thereby improve fuel economy and performance. The device is an intake manifold vacuum switch that is designed to disengage the air conditioning compressor during periods of high power demand.

Report: "EPA Evaluation of the P.A.S.S. KIT Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act." Report number EPA-AA-TEB-511-81-14 contains the analysis and conclusions. It consists of 29 pages including all attachments.

III. Availability of Evaluation Reports

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Telephone: (703) 487-4650 or FTS 737-4650.

IV. Summary of Evaluation

The evaluation of the P.A.S.S. KIT was based on the information submitted by the applicant and the results of the EPA confirmatory testing of a similar device. The overall conclusion is that the P.A.S.S. KIT device has the potential to reduce the emissions and fuel economy penalty incurred when using the air conditioning system of some vehicles.

The amount of this fuel economy benefit depends on many factors. The principal factors are the amount of air

conditioner usage, match of the device to the engine of the vehicle, type of air conditioning unit, and type of driving. The improvement in fuel economy with the air conditioner on can range up to a few percent depending on the vehicle and the specific adjustments the user performs to match the P.A.S.S. KIT to his vehicle. The emissions from vehicles operating with air conditioning on are expected to be reduced when the device is used.

Dated: March 18, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 83-8059 Filed 3-28-83; 8:45 am]

BILLING CODE 5560-50-M

[AMS-FRL 2331-1]

Fuel Economy Retrofit Device Evaluations for Freedom Products Hot Tip, Fuel Economizer, Gas Saving and Emission Control Improvement Device, PETRO-MIZER, and Russell Fuelmiser

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the completion of the EPA evaluation of the "Freedom Products Hot Tip", "Fuel Economizer", "Gas Saving and Emission Control Improvement Device", "PETRO-MIZER", and "Russell Fuelmiser" devices under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act. This notice also announces the filing conclusions, and availability of the reports.

FOR FURTHER INFORMATION CONTACT:

Merrill W. Korth, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor Michigan 48105, Telephone: (313) 668-4299.

SUPPLEMENTARY INFORMATION:

I. Background

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) require that:

(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made

with respect to such retrofit devices are accurate.

(c) The EPA Administrator shall publish in the *Federal Register* a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device.

EPA published final regulations establishing procedures for conducting evaluations of fuel economy retrofit devices on March 23, 1979 [44 FR 17946]

II. Origin of Request for Evaluation, Device Descriptions and Report Identification

A. Freedom Products Hot Tip. On December 8, 1981, the EPA received from Freedom Products Incorporated an application for evaluation of the device termed the Freedom Products Hot Tip. The device is a heated idle mixture screw which incorporates an air bleed. The device is claimed to improve the preparation of the air-fuel mixture and thereby improve fuel economy and performance.

Report: "EPA Evaluation of the Freedom Products Hot Tip Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act". Report number EPA-AA-TEB-511-81-16 contains the analysis and conclusions. It consists of 59 pages and includes all of the attachments.

B. Fuel Economizer. On April 12, 1982, Agamco, Incorporated, submitted an application for evaluation of the Fuel Economizer, a fuel economy retrofit device. The device consists of a component which is inserted in series into the ignition coil secondary cable and is said to change the secondary voltage characteristics and thereby improve the combustion process. The stated intent of the device is to improve fuel economy, emission levels, starting and acceleration, and to increase horsepower output and the life of ignition components.

Report: "EPA Evaluation of the Fuel Economizer Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act". Report number EPA-AA-TEB-511-82-15, contains the analysis and conclusions. It consists of 19 pages and includes all of the attachments.

C. Gas Savings and Emission Control Improvement Device. On August 31, 1982 the EPA received a request from Shaffer Enterprises, Incorporated for evaluation of a fuel saving device

known as the Gas Saving and Emission Control Improvement Device. This device is a ¼ inch thick carburetor adapter plate that is installed between the carburetor and intake manifold. The device has internal passages that are connected to the throttle bore openings in the plate. These passages in the device are connected by a hose to a tee fitting installed in the hose between the carburetor and PCV valve. The device is claimed to reduce emissions, improve fuel economy, clean the engine and make it virtually maintenance free, and improve engine power.

Report: "EPA Evaluation of the Gas Saving and Emission Control Improvement Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-83-5, contains the analysis and conclusions. It consists of 21 pages and includes all attachments.

D. *PETRO-MIZER*. On August 30, 1982 the EPA received a request from Petro-Mizer East for evaluation of a fuel saving device termed "PETRO-MIZER". It is installed between the fuel pump and the carburetor and subjects the fuel to a magnetic field. The device consists of a short piece of non-magnetic fuel line with permanent magnets mounted against the tube and sealed in place with resin. This device is claimed to reduce emissions, to improve fuel economy, and to increase engine horsepower.

Report: "EPA Evaluation of the PETRO-MIZER Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-83-2, contains the analysis and conclusions. It consists of 13 pages and includes all attachments.

E. *Russell Fuelmiser*. On October 26, 1981, J.C.A. Corporation submitted an application for evaluation of the Russell Fuelmiser, a fuel economy retrofit device. The stated intent of the device is to improve fuel economy and to reduce exhaust emissions. The Russell Fuelmiser is considered by the applicant to be both a device and a process. The device consists of two components to chill the fuel and air-fuel mixture while the process includes the above components in addition to the air conditioning system and certain parameter adjustments to the fuel and ignition systems. The basic system uses the air conditioning refrigerant to cool the fuel (by means of a heat exchanger)

prior to its delivery to the carburetor. The refrigerant is also used to cool the air-fuel mixture by means of a device which is located between the carburetor base and the intake manifold.

Report: "EPA Evaluation of the Russell Fuelmiser Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-82-13, contains the analysis and conclusions. It consists of 57 pages and includes all of the attachments.

III. Availability of Evaluation Reports

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Telephone: (703) 487-4650 or FTS 737-4650.

IV. Summary of Evaluation

EPA fully considered all of the information submitted by the applicants. The test data and other information supplied by the applicants were insufficient to substantiate the claims for their devices. The applicants did not adequately respond to repeated requests for additional information and failed to provide substantiating test data. Thus, our evaluations were completed on the basis of the information available and EPA's engineering judgment. In the case of the Russell Fuelmiser, the applicant sought to withdraw his application. In accordance with the regulations, EPA has published its preliminary analysis and conclusions in this case since the applicant elected not to have his device tested.

Our overall conclusion was that for each of these devices—Freedom Products Hot Tip, Fuel Economizer, Gas Saving and Emission Control Improvement Device, PETRO-MIZER, and Russell Fuelmiser—there is no reason to expect that the device would significantly improve either the emissions or fuel economy of a typical vehicle in proper operating condition.

Dated: March 18, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83-8056 Filed 3-28-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-53047; TSH-FRL 2330-4]

Premanufacture Notices; Monthly Status Report for February 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the *Federal Register* at the beginning of each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for February 1983.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E-106 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments are to be identified with the document control number "[OPTS-53047]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M Street, SW., Washington, DC 20460, (202-382-3746).

SUPPLEMENTARY INFORMATION: The monthly status report published in the *Federal Register* as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during February; (b) PMNs received previously and still under review at the end of February; (c) PMNs for which the notice review period has ended during February; (d) chemical substances for which EPA has received a notice of commencement to manufacture during February; and (e) PMNs for which the review period has been suspended. Therefore, the February 1983 PMN Status Report is being published.

Dated: March 18, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

Premanufacture Notices Monthly Status Report, February 1983

I. 75 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH

| PMN No. | Identity and generic name | FR citation | Expiration date |
|---------|---|-----------------------|-----------------|
| 83-446 | Iso hexadecyl isostearate | 48 FR 6588 (2/14/83) | May 1, 1983. |
| 83-447 | Generic name: Polyvinyl alcohol derivative | 48 FR 6589 (2/14/83) | Do. |
| 83-448 | 2,6-bis(picylamino)-3,5-dinitropyridine | 48 FR 6589 (2/14/83) | Do. |
| 83-449 | 2-ethyl-2-methyl butanoic acid | 48 FR 6589 (2/14/83) | Do. |
| 83-450 | 2,2-dimethyl pentanoic acid | 48 FR 6589 (2/14/83) | Do. |
| 83-451 | Generic name: Disubstituted bis(phenylazo)-4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, alkali metal salt | 48 FR 6589 (2/14/83) | May 2, 1983. |
| 83-452 | Generic name: Substituted 2-phenylazo-1-hydroxy-3-naphthalenesulfonic acid, metal complex, alkali metal salt | 48 FR 6589 (2/14/83) | Do. |
| 83-453 | Generic name: Polymer of mixed alkane diols, alkane triol, propylene oxide, alkanolic acid, aliphatic isocyanate, and isophorone diisocyanate. | 48 FR 6589 (2/14/83) | Do. |
| 83-454 | Generic name: Acrylamide copolymer | 48 FR 6589 (2/14/83) | May 3, 1983. |
| 83-455 | Generic name: Alkenoyl disubstituted cyclo-alkane | 48 FR 6589 (2/14/83) | Do. |
| 83-456 | Generic name: Substituted anthraquinone | 48 FR 6589 (2/14/83) | Do. |
| 83-457 | N,N'-hexanedioyl-bis[3,4,5,6-tetrahydro-2(1H) pyrimidinone] | 48 FR 7299 (2/18/83) | May 4, 1983. |
| 83-458 | Generic name: Substituted polyhydric alcohol | 48 FR 7300 (2/18/83) | Do. |
| 83-459 | Generic name: Dialkyl dithiophosphate | 48 FR 7300 (2/18/83) | Do. |
| 83-460 | Generic name: Dialkyl dithiophosphate | 48 FR 7300 (2/18/83) | Do. |
| 83-461 | Generic name: Substituted alkoxy silane | 48 FR 7300 (2/18/83) | Do. |
| 83-462 | Generic name: Succinate ester amide | 48 FR 7300 (2/18/83) | May 7, 1983. |
| 83-463 | Generic name: Amino aliphatic propoxylate | 48 FR 7300 (2/18/83) | Do. |
| 83-464 | Generic name: Sodium sulfosuccinate of ethoxylated substituted phenol | 48 FR 7300 (2/18/83) | Do. |
| 83-465 | Generic name: Metal polyisobuterylsuccinate | 48 FR 7300 (2/18/83) | Do. |
| 83-466 | Generic name: Ether-olefin-sulfone terpolymer | 48 FR 7300 (2/18/83) | Do. |
| 83-467 | Generic name: Alkyl cyclohexane carboxaldehyde | 48 FR 7300 (2/18/83) | Do. |
| 83-468 | Complex sodium polyethylene glycolate salt | 48 FR 7300 (2/18/83) | Do. |
| 83-469 | Generic name: Aromatic polyamide solution | 48 FR 7300 (2/18/83) | May 8, 1983. |
| 83-470 | Generic name: Polymer of substituted acrylic ester and substituted acrylamide | 48 FR 7300 (2/18/83) | Do. |
| 83-471 | Generic name: Metal salt of saccharin | 48 FR 7301 (2/18/83) | Do. |
| 83-472 | 2-propenoic acid, (2,4,6-trioxo-1,3,5-triazine-1,3,5 (2H, 4H, 6H)-triy) di-2,1-ethanedyl ester | 48 FR 7301 (2/18/83) | Do. |
| 83-473 | 2-propenoic acid, (2,4,6-trioxo-1,3,5-triazine-1,3,5 (2H, 4H, 6H)-triy) 2,1-ethanedyl ester | 48 FR 7301 (2/18/83) | Do. |
| 83-474 | 2-propenoic acid, (2,4,6-trioxo-1,3,5-triazine-1,3,5 (2H, 4H, 6H)-triy) tri-2,1-ethanedyl ester | 48 FR 7301 (2/18/83) | Do. |
| 83-475 | Generic name: Chloroendic anhydride based alkyl polymer | 48 FR 7301 (2/18/83) | Do. |
| 83-476 | Generic name: Polyether modified alkyl | 48 FR 7301 (2/18/83) | Do. |
| 83-477 | Generic name: Aliphatic phosphite ester | 48 FR 7301 (2/18/83) | May 9, 1983. |
| 83-478 | Generic name: Carboxylic acid derivatives of alkoxyated phenol derivatives and alkoxyated polyamines. | 48 FR 7301 (2/18/83) | Do. |
| 83-479 | Generic name: Monoazo substituted aromatic | 48 FR 7301 (2/18/83) | Do. |
| 83-480 | Aminopropyl aminoethyl piperazine | 48 FR 7301 (2/18/83) | May 10, 1983. |
| 83-481 | C ₁₁ -C ₁₄ alkoxy propylamino propylamine | 48 FR 7301 (2/18/83) | Do. |
| 83-482 | Generic name: Modified polyester of a carbomono-cyclic anhydride and a substituted alkanediol | 48 FR 7301 (2/18/83) | Do. |
| 83-483 | Generic name: Mixed fatty acids; alkanopolyol; benzenecarboxylic acids polymer | 48 FR 7302 (2/18/83) | Do. |
| 83-484 | Generic name: Copolymer of unsaturated organic compounds with polyols and isocyanates | 48 FR 8343 (2/28/83) | May 14, 1983. |
| 83-485 | Generic name: Alkyl branched alkanolate | 48 FR 8343 (2/28/83) | Do. |
| 83-486 | Generic name: Zirconium propanoate, substituted | 48 FR 8343 (2/28/83) | May 15, 1983. |
| 83-487 | Generic name: Alkyl sulfide | 48 FR 8343 (2/28/83) | Do. |
| 83-488 | Generic name: Polymer of acrylic ester and substituted acrylamide | 48 FR 8344 (2/28/83) | Do. |
| 83-489 | Generic name: Styrene, acrylate methacrylate copolymer | 48 FR 8344 (2/28/83) | Do. |
| 83-490 | Generic name: Modified coconut-phthalic-mixed polyol alkyl polymer | 48 FR 8344 (2/28/83) | May 16, 1983. |
| 83-491 | Generic name: Sodium carboxylate thiosulfate | 48 FR 8344 (2/28/83) | May 17, 1983. |
| 83-492 | 4-(4-methyl-1-piperidinyl)pyridine | 48 FR 8344 (2/28/83) | Do. |
| 83-493 | Generic name: Alkoxyated alcohol compounds | 48 FR 8344 (2/28/83) | Do. |
| 83-494 | Generic name: Propylene glycol compounds | 48 FR 8344 (2/28/83) | Do. |
| 83-495 | Generic name: Metal complexed substituted aromatic salt | 48 FR 9366 (3/4/83) | May 16, 1983. |
| 83-496 | Generic name: Polyester from a carbomono-cyclic anhydride and an alkanediol | 48 FR 9366 (3/4/83) | May 22, 1983. |
| 83-497 | Generic name: Reaction product of 1,3-benzenediamine, hydroxybenzenes, and oxo alkane with sodium sulfide | 48 FR 9366 (3/4/83) | Do. |
| 83-498 | Generic name: Polymer of alkyl diamine and substituted oxiranes | 48 FR 9366 (3/4/83) | Do. |
| 83-499 | Generic name: Reaction product of polyalkylene polyamines, phenols, and polymeric epoxide derivatives | 48 FR 9366 (3/4/83) | Do. |
| 83-500 | Generic name: Reaction product of polyalkylene polyamines, phenols, and polymeric epoxide derivatives | 48 FR 9366 (3/4/83) | Do. |
| 83-501 | Generic name: Modified rosin condensation product | 48 FR 9366 (3/4/83) | Do. |
| 83-502 | Generic name: Aminoheterocyclyl branched alkane | 48 FR 9366 (3/4/83) | Do. |
| 83-503 | Generic name: Substituted alkoxy silane | 48 FR 9366 (3/4/83) | Do. |
| 83-504 | Generic name: acyano carbocycliccarboxylate | 48 FR 9366 (3/4/83) | Do. |
| 83-505 | Generic name: Polyester resin-saturated | 48 FR 9367 (3/4/83) | Do. |
| 83-506 | Generic name: Modified acrylic polymer | 48 FR 9367 (3/4/83) | May 23, 1983. |
| 83-507 | Generic name: Monocyclic sulfur derivative | 48 FR 9367 (3/4/83) | Do. |
| 83-508 | Generic name: Substituted benzenesulfonic acid salt | 48 FR 10469 (3/11/83) | May 25, 1983. |
| 83-509 | Generic name: Disubstituted benzotriazole | 48 FR 10469 (3/11/83) | Do. |
| 83-510 | Generic name: Reaction product of an aromatic dianhydride with a substituted C ₄₋₁₂ alcohol and epichlorohydrin | 48 FR 10469 (3/11/83) | Do. |
| 83-511 | Generic name: Polyester | 48 FR 10469 (3/11/83) | Do. |
| 83-512 | Generic name: Polymer of amino-alkyl-carbomono-cyclic, hexamethylene diisocyanate, propylene oxide, alkane triol, alkane-one, and disubstituted alkane diol | 48 FR 10469 (3/11/83) | Do. |
| 83-513 | Generic name: Polymer of isophorone diisocyanate, alkanolic acid, mixed alkane diols, alkane triol, oxo-heteropoly-cyclic, and neopentyl glycol | 48 FR 10469 (3/11/83) | Do. |
| 83-514 | Generic name: Substituted indolium, salt | 48 FR 10469 (3/11/83) | Do. |
| 83-515 | Generic name: Styrene co-polymer | 48 FR 10469 (3/11/83) | Do. |
| 83-516 | Generic name: Aromatic polyester with substituted alkanes | 48 FR 10469 (3/11/83) | Do. |
| 83-517 | Generic name: Polyurethane polymer, with an aromatic polyester | 48 FR 10469 (3/11/83) | Do. |
| 83-518 | 1,1'-[isopropylidenebis(5-hydroxy-m-phenylene)]bis[tetrahydrothiophenium hydroxide] bis (inner salt) tetrahydrate | 48 FR 10469 (3/11/83) | May 28, 1983. |
| 83-519 | Generic name: Functionalized acrylic polymer | 48 FR 10469 (3/11/83) | Do. |

II. 88 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH

| PMN No. | Identity and generic name | FR citation | Expiration date |
|---------|--|----------------------|-----------------|
| 83-359 | Generic name: Substituted 1-aminoanthraquinone-2-sulfonic acid alkali metal salt. | 48 FR 1820 (1/14/83) | Apr. 2, 1983. |
| 83-357 | Generic name: Isocyanate functional polyurethane derived from reaction of diisocyanate, polymeric ether glycols, polymeric aliphatic polyester glycols. | 48 FR 1820 (1/14/83) | Do. |
| 83-358 | Generic name: Alkoxy amine salt. | 48 FR 1820 (1/14/83) | Do. |
| 83-359 | Generic name: Polyurethane resin. | 48 FR 1820 (1/14/83) | Do. |
| 83-360 | Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acid. | 48 FR 1820 (1/14/83) | Do. |
| 83-361 | Generic name: Fatty acid, phthalic, polyol polymer. | 48 FR 1820 (1/14/83) | Do. |
| 83-362 | Generic name: Vinyl acrylic copolymer. | 48 FR 1820 (1/14/83) | Do. |
| 83-363 | Generic name: Acrylic grafted copolymer. | 48 FR 1820 (1/14/83) | Do. |
| 83-364 | Polymer of 1,1'-methylene-bis(4-isocyanato-benzene); 1,9-nonanedioic acid (azelaic), and 1,4-butanediol. | 48 FR 1820 (1/14/83) | Apr. 3, 1983. |
| 83-365 | Generic name: Aromatic methylene. | 48 FR 3045 (1/24/83) | Apr. 6, 1983. |
| 83-366 | An aqueous solution of ammonium acrylate. | 48 FR 3045 (1/24/83) | Do. |
| 83-367 | Generic name: Metal complex substituted aromatic salt. | 48 FR 3045 (1/24/83) | Apr. 9, 1983. |
| 83-368 | Generic name: Disubstituted benzenesulfonic acid alkali metal salt. | 48 FR 3045 (1/24/83) | Do. |
| 83-369 | Generic name: Methyl-methyleneimidazole derivative of methyl-pyrazoloquinazolinazo-methylphenylbenzothiazole. | 48 FR 3045 (1/24/83) | Do. |
| 83-370 | 8-acetyl-3-dodecyl-7,7,9,9-tetramethyl-1,3,8-triazaspiro [4,5]decane-2,4-dione. | 48 FR 3045 (1/24/83) | Do. |
| 83-371 | Polymer of neopentyl glycol, 1,6 hexanediol, trimethylol propane, dimethyl 1,4 cyclohexane dicarboxylate, azelaic acid, isophthalic acid. | 48 FR 3045 (1/24/83) | Do. |
| 83-372 | Generic name: Metal complexed, substituted aromatic compound. | 48 FR 3045 (1/24/83) | Do. |
| 83-373 | Generic name: Substituted polyurea. | 48 FR 3046 (1/24/83) | Apr. 10, 1983. |
| 83-374 | Generic name: Metal complexed substituted aromatic salt. | 48 FR 3046 (1/24/83) | Do. |
| 83-375 | Generic name: Substituted benzene. | 48 FR 3046 (1/24/83) | Do. |
| 83-376 | Spiro[2H-1-benzopyran-2,2'-[2H]indole, 1'3'-dihydro-1',2',3'-trimethyl-6,8-dinitro-. | 48 FR 3046 (1/24/83) | Do. |
| 83-377 | Generic name: Substituted benzene. | 48 FR 3046 (1/24/83) | Apr. 11, 1983. |
| 83-378 | Generic name: Methyl-methyleneimidazole derivative of copper phthalocyanine, compound with acetic acid. | 48 FR 3046 (1/24/83) | Do. |
| 83-379 | Generic name: Methyl-methyleneimidazole derivative of copper phthalocyanine, compound with methoxy-acetic acid. | 48 FR 3046 (1/24/83) | Do. |
| 83-380 | Void. | | |
| 83-381 | Void. | | |
| 83-382 | Refer to PMN 83-292 | | |
| 83-383 | Refer to PMN 83-292 | | |
| 83-384 | Refer to PMN 83-292 | | |
| 83-385 | Refer to PMN 83-292 | | |
| 83-386 | Generic name: Disubstituted 4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, alkali metal salt. | 48 FR 3046 (1/24/83) | Apr. 12, 1983. |
| 83-387 | Isophthalic-phthalic-adipic-benzoic acid-trimethylol propane-neopentyl glycol resin. | 48 FR 3046 (1/24/83) | Do. |
| 83-388 | Generic name: Tallow-ethylene glycol-pentaerythritol-phthalic-benzoic acid resin. | 48 FR 3046 (1/24/83) | Do. |
| 83-389 | Generic name: ((Substituted heterocycle)azo) substituted aniline, acid salts. | 48 FR 3046 (1/24/83) | Do. |
| 83-390 | Generic name: Polyester-imide resin. | 48 FR 3047 (1/24/83) | Do. |
| 83-391 | Generic name: Disubstituted bis(phenylazo) 4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, alkali metal salt. | 48 FR 3047 (1/24/83) | Do. |
| 83-392 | 3,5-dinitrosalicylaldehyde. | 48 FR 3047 (1/24/83) | Do. |
| 83-393 | Generic name: Aromatic amine-epoxy resin adduct. | 48 FR 5304 (2/4/83) | Apr. 16, 1983. |
| 83-394 | Generic name: Polyglycidyl amine. | 48 FR 5304 (2/4/83) | Do. |
| 83-395 | Generic name: Modified alkyd polymer from a vegetable oil, carbomonocyclic anhydride, carbomonocyclic acid, a substituted alkane triol, and a substituted alkanolic ester. | 48 FR 5304 (2/4/83) | Do. |
| 83-396 | Generic name: Methoxy dicyclopentadiene carboxyaldehyde. | 48 FR 5304 (2/4/83) | Do. |
| 83-397 | Generic name: Amine salt of a phosphonic acid. | 48 FR 5304 (2/4/83) | Do. |
| 83-398 | Generic name: Substituted 1,2,4-thiadiazole. | 48 FR 5304 (2/4/83) | Apr. 17, 1983. |
| 83-399 | Polymer of dimethyl ester of 4,4'-(hydroxy-methylene)bis-1,2-benzenedicarboxylic acid with 4,4'-oxydianiline. | 48 FR 5304 (2/4/83) | Do. |
| 83-400 | Generic name: Copolymer of acrylic and methacrylic monomers. | 48 FR 5304 (2/4/83) | Do. |
| 83-401 | Generic name: Naphthalenetrisulfonic acid, chlorotriazinylamino-methoxymethylphenylazo- | 48 FR 5305 (2/4/83) | Do. |
| 83-402 | Generic name: Poly alkylene oxide-aromatic diisocyanate prepolymer. | 48 FR 5305 (2/4/83) | Do. |
| 83-403 | Generic name: Disazo aromatic compound. | 48 FR 5305 (2/4/83) | Do. |
| 83-404 | Generic name: Unsaturated amide quaternary ammonium polymer. | 48 FR 5305 (2/4/83) | Apr. 18, 1983. |
| 83-405 | Generic name: Polymer of a methacrylate ester, an unsaturated alcohol ester and a maleated diester. | 48 FR 5305 (2/4/83) | Do. |
| 83-406 | Generic name: Benzenesulfonic acid, amino-chloro-triazinyl-aminocarboxy-chlorophenylpyrazo-onylazo- | 48 FR 5305 (2/4/83) | Do. |
| 83-407 | Generic name: Unsaturated ester of a substituted aryl ether polymer. | 48 FR 5304 (2/4/83) | Do. |
| 83-408 | Generic name: Triazine trisocyanate. | 48 FR 5305 (2/4/83) | Do. |
| 83-409 | Generic name: N,N'-alkylene bis(di-2-ethylhexyl-phosphorodithioyl) alkanamide. | 48 FR 5305 (2/4/83) | Do. |
| 83-410 | Generic name: N,N'-dimethyl alkyl amine salts of mono-and di-2-ethylhexyl hydrogen phosphates. | 48 FR 5305 (2/4/83) | Do. |
| 83-411 | Generic name: C ₁₂ -C ₁₈ -f-alkylamine salts of alkyl acid phosphates. | 48 FR 5305 (2/4/83) | Do. |
| 83-412 | Generic name: Substituted pyridinium, chloride. | 48 FR 5305 (2/4/83) | Do. |
| 83-413 | Generic name: Modified epoxy polymethacrylate resin. | 48 FR 5305 (2/4/83) | Do. |
| 83-414 | Generic name: Disazo substituted aromatic compound. | 48 FR 5305 (2/4/83) | Apr. 19, 1983. |
| 83-415 | Generic name: Aromatic disazo compound. | 48 FR 5306 (2/4/83) | Do. |
| 83-416 | Generic name: Disazo substituted aromatic compound. | 48 FR 5306 (2/4/83) | Do. |
| 83-417 | Generic name: Alkyldiamine. | 48 FR 5306 (2/4/83) | Do. |
| 83-418 | Generic name: Benzenedisulfonic acid, chloro-triazinyl-amino-dimethylphenylazo-sulfo-naphthalen-azo. | 48 FR 5306 (2/4/83) | Do. |
| 83-419 | Generic name: Naphtholdisulfonic acid, chloro-triazinyl-amino-sulfo-phenylazo. | 48 FR 5306 (2/4/83) | Do. |
| 83-420 | Generic name: Acrylic-styrene oligomer. | 48 FR 5306 (2/4/83) | Do. |
| 83-421 | Generic name: Acrylic-styrene oligomer. | 48 FR 5306 (2/4/83) | Do. |
| 83-422 | Generic name: Aromatic polyamic acid. | 48 FR 5306 (2/4/83) | Do. |
| 83-423 | Generic name: Acrylic terpolymer. | 48 FR 6396 (2/11/83) | Apr. 20, 1983. |
| 83-424 | Generic name: Primary hydrogenated alkyl amine and silicone polymer. | 48 FR 6396 (2/11/83) | Do. |
| 83-425 | Polymer of diglycidyl ether cyclohexane, dimethanol, bisphenol A. | 48 FR 6396 (2/11/83) | Apr. 23, 1983. |
| 83-426 | Generic name: Epoxy resin ester. | 48 FR 6396 (2/11/83) | Do. |
| 83-427 | Generic name: Alkyl amino metal carboxylates. | 48 FR 6396 (2/11/83) | Do. |
| 83-428 | Generic name: Bis alkoxy aluminum acetosuccinic ester complex. | 48 FR 6396 (2/11/83) | Apr. 24, 1983. |
| 83-429 | Generic name: Thiocarbonylamine hydroxide, anhydro disulfoalkyl trialkyl compound with trialkyl amine (1,1). | 48 FR 6396 (2/11/83) | Do. |
| 83-430 | Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acids. | 48 FR 6396 (2/11/83) | Do. |
| 83-431 | Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acids. | 48 FR 6396 (2/11/83) | Do. |
| 83-432 | Generic name: Disazo aromatic compound. | 48 FR 6397 (2/11/83) | Do. |
| 83-433 | Generic name: Mono azo aromatic compound. | 48 FR 6397 (2/11/83) | Do. |

II. 88 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

| PMN No. | Identity and generic name | FR citation | Expiration date |
|---------|---|----------------------|-----------------|
| 83-434 | Generic name: Unsaturated aliphatic diether | 48 FR 6397 (2/11/83) | Do. |
| 83-435 | Generic name: Acrylate of polybutadiene | 48 FR 6397 (2/11/83) | Do. |
| 83-436 | Generic name: Chloroaromatic compound | 48 FR 6397 (2/11/83) | Apr. 25, 1983. |
| 83-437 | Generic name: Reaction product of a polyhalogenated anhydride, maleic anhydride, alkylene glycols and amino alcohol | 48 FR 6397 (2/11/83) | Do. |
| 83-438 | Generic name: Disubstituted 3-phenylazo-4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, alkali metal salt | 48 FR 6397 (2/11/83) | Do. |
| 83-439 | 2,2-dimethyl-1,3-propanediol, polymer with 2,2'-oxybis (ethanol), 2-ethyl-2-hydroxy-methyl-1,3-propanediol and 1,3-isobenzoxarandione | 48 FR 6397 (2/11/83) | Apr. 26, 1983. |
| 83-440 | Generic name: Methacrylate of polybutadiene | 48 FR 6397 (2/11/83) | Apr. 24, 1983. |
| 83-441 | Polymer of: methyl acrylate, ethyl acrylate, acrylamide | 48 FR 6397 (2/11/83) | Apr. 26, 1983. |
| 83-442 | Generic name: Vegetable fatty acid; benzene carboxylic acid; hydroxymethyl alkanepolyol polymer | 48 FR 6586 (2/14/83) | Apr. 27, 1983. |
| 83-443 | Generic name: Alkanediol dimethylalkanedio; alkanedioic acid; substituted alkanic acid; benzene-dicarboxylic acid polymer | 48 FR 6586 (2/14/83) | Do. |
| 83-444 | Generic name: Alkanediol dimethylalkanedio; alkanedioic acid; substituted alkanic acid; benzene-dicarboxylic acid polymer | 48 FR 6586 (2/14/83) | Do. |
| 83-445 | Generic name: Modified sodium polyacrylate | 48 FR 6586 (2/14/83) | Apr. 30, 1983. |

III. 158 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)

| PMN No. | Identity and generic name | FR citation | Expiration date |
|---------|---|------------------------|-----------------|
| 82-701 | Generic name: Aromatic disazo dye | 47 FR 44609 (10/8/82) | Feb. 22, 1983. |
| 83-100 | Generic name: Copolymer of styrene with substituted alkanic derivatives | 47 FR 52222 (11/19/82) | Feb. 1, 1983. |
| 83-101 | Generic name: Polymer of diphenylmethane diisocyanate, hydroxy alkyl ethers, and substituted alkanediols | 47 FR 52223 (11/19/82) | Feb. 2, 1983. |
| 83-102 | Generic name: Polyacrylate | 47 FR 52223 (11/19/82) | Feb. 5, 1983. |
| 83-103 | Generic name: Polyamine urea formaldehyde condensate | 47 FR 52223 (11/19/82) | Do. |
| 83-104 | Generic name: Polyamine urea formaldehyde condensate | 47 FR 52223 (11/19/82) | Do. |
| 83-105 | 1,2-benzenediamine, 4-ethoxy, sulfate (1:1) | 47 FR 52223 (11/19/82) | Do. |
| 83-106 | Generic name: Polymer of aliphatic and aromatic diacids and an aliphatic diol | 47 FR 52223 (11/19/82) | Do. |
| 83-107 | Generic name: Modified polyester from carbomono-cyclic anhydrides, an alkanediol and an alkanedioic acid | 47 FR 52223 (11/19/82) | Do. |
| 83-108 | Generic name: Polymer of fatty acids with a substituted alkanic acid, carbomono-cyclic acids, polyols and a carbomono-cyclic anhydride | 47 FR 52223 (11/19/82) | Do. |
| 83-109 | Generic name: Substituted alkyl methacrylate | 47 FR 52223 (11/19/82) | Do. |
| 83-112 | Generic name: Hydroxy naphthalenedisulfonic acid, disodium salt, ((2-(sodium sulfoxylethyl(sulfonyl)phenyl)azo, and dichlorotriazinylamino substituted | 47 FR 52223 (11/19/82) | Feb. 6, 1983. |
| 83-113 | Generic name: Benzenesulfonic acid, 4-(4-(4-substituted 2-sulfonylphenyl)azo) 3-carboxy-5-hydroxy-1H-pyrazol-1-yl), x sodium salt | 47 FR 52224 (11/19/82) | Do. |
| 83-114 | Generic name: Naphthalenedisulfonic acid, disodium salt, ((2-(sodium sulfoxylethyl(sulfonyl)ary)azo, and monochlorotriazinylamino, substituted, copper complex | 47 FR 52224 (11/19/82) | Do. |
| 83-116 | Generic name: Ethanol, 2-arylsulfonyl, hydrogen sulfate ester | 47 FR 52224 (11/19/82) | Do. |
| 83-117 | Oxo alcohols (high boilers)-neopentyl glycol adipate ester | 47 FR 52224 (11/19/82) | Do. |
| 83-118 | Generic name: Polymeric polyamidoamine | 47 FR 52224 (11/19/82) | Do. |
| 83-119 | Generic name: Polyester from a carbomono-cyclic anhydride and substituted alkanediols | 47 FR 52224 (11/19/82) | Do. |
| 83-120 | Generic name: Reaction product of isomeric mixture of dioxocarbopolycyclic amine with sulfur | 47 FR 52224 (11/19/82) | Feb. 7, 1983. |
| 83-121 | Polymer of diethyleneglycol, polyethylene-glycol, dimethylterephthalate, isophthalic acid, 5-sulfoisophthalic acid, dimethyl ester sodium salt | 47 FR 52224 (11/19/82) | Do. |
| 83-122 | Generic name: Organic sulfur compound | 47 FR 52222 (11/19/82) | Do. |
| 83-123 | Poly[oxy(methyl-1,2-ethanedyl)] _n , α,α'-1,2,3-propanetriyltris[ω-hydroxy-, polymer with α-ω hydroxyhydroxy[oxy(methyl-1,2-ethanedyl)] and 1,1-methylene bis[4-isocyanato-benzene] | 47 FR 52224 (11/19/82) | Do. |
| 83-124 | 3-bromo-4-(4-bis-2-hydroxyethylamino)-2-methyl-phenylazo)-5-nitrobenzoic acid ethyl ester | 47 FR 53782 (11/29/82) | Feb. 9, 1983. |
| 83-125 | 3-bromo-4-(4-bis-2-hydroxyethylamino)-phenylazo)-5-nitrobenzoic acid ethyl ester | 47 FR 53782 (11/29/82) | Do. |
| 83-126 | Generic name: Modified fluoroaliphatic adduct | 47 FR 53782 (11/29/82) | Feb. 11, 1983. |
| 83-127 | Polymer of acrylic acid, butyl acrylate, 2-hydroxy ethyl acrylate, methyl acrylate, and 2-ethylhexyl acrylate | 47 FR 53782 (11/29/82) | Do. |
| 83-128 | Generic name: Organo zinc salt | 47 FR 53782 (11/29/82) | Do. |
| 83-129 | Syncrude (full range, deoaxed dearsenized shale oil) | 47 FR 54357 (12/2/82) | Feb. 13, 1983. |
| 83-130 | Light straight run naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-131 | Heavy straight run naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-132 | Straight run middle distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-133 | Straight run gas oil (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-134 | Atmosphere tower residuum (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-135 | Vacuum tower condensate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-136 | Light vacuum gas oil (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-137 | Heavy vacuum gas oil (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-138 | Vacuum residuum (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-139 | Full range catalytic cracked naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-140 | Light catalytic cracked distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-141 | Catalytic cracked clarified oil (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-142 | Catalytic cracked light olefins (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-143 | Full range catalytic reformed naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-144 | Full range alkylate naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-145 | Light hydrocracked naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-146 | Heavy hydrocracked naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-147 | Light hydrocracked distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-148 | Light thermal cracked naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-149 | Heavy thermal cracked naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-150 | Light thermal cracked distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-151 | Heavy thermal cracked distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-152 | Coke (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-153 | Sweetened naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-154 | Hydrodesulfurized heavy naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-155 | Hydrodesulfurized middle distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-156 | Full range straight run naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |

III. 158 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

| PMN No. | Identity and generic name | FR citation | Expiration date |
|---------|---|------------------------|-----------------|
| 83-157 | Straight run kerosine (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-158 | Light paraffinic distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-159 | Heavy paraffinic distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-160 | Light catalytic cracked naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-161 | Heavy catalytic cracked naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-162 | Intermediate catalytic cracked distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-163 | Heavy catalytic cracked distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-164 | Invalid | | |
| 83-165 | Light catalytic reformed naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-166 | Heavy catalytic reformed naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-167 | Catalytic reformer fractionator residue (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-168 | Light alkylate naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-169 | Heavy alkylate naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-170 | Alkylate distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-171 | Polymerization naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-172 | Viscous polymer (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-173 | Isomerization naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-174 | Heavy hydrocracked distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-175 | Hydrocracked residuum (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-176 | Sweetened middle distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-177 | Normal paraffins (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-178 | Sorption process raffinate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-179 | Solvent refined light naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-180 | Solvent refined heavy naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-181 | Solvent refined middle distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-182 | Solvent refined gas oil (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-183 | Solvent refined light paraffinic distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-184 | Solvent refined heavy paraffinic distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-185 | Solvent deasphalted residual oil (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-186 | Solvent decarbonized heavy paraffinic distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-187 | Solvent refined residual oil (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-188 | Solvent refined spent lube oil (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-189 | Light naphtha solvent extract (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-190 | Heavy naphtha solvent extract (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-191 | Middle distillate solvent extract (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-192 | Gas oil solvent extract (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-193 | Light paraffinic distillate solvent extract (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-194 | Heavy paraffinic distillate solvent extract (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-195 | Residual oil solvent extract (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-196 | Heavy paraffinic distillate decarbonization raffinate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-197 | Clay treated light paraffinic distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-198 | Clay treated heavy paraffinic distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-199 | Clay treated paraffin wax (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-200 | Chemically neutralized spent lube oil (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-201 | Hydrotreated light naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-202 | Hydrotreated heavy naphtha (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-203 | Hydrotreated light distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-204 | Hydrotreated middle distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-205 | Hydrotreated light paraffinic distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-206 | Hydrotreated heavy paraffinic distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-207 | Hydrotreated paraffin wax (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-208 | Hydrotreated microcrystalline wax (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-209 | Hydrotreated vacuum gas oil (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-210 | Hydrotreated residual oil (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-211 | Solvent dewaxed light paraffinic distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-212 | Solvent dewaxed heavy paraffinic distillate (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-213 | Solvent dewaxed residual oil (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-214 | Slack wax (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-215 | Petrolatum (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-216 | Foots oil (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-217 | Paraffin wax (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-218 | Microcrystalline wax (shale oil) | 47 FR 54357 (12/2/82) | Do. |
| 83-219 | Catalytic dewaxed naphtha (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-220 | Catalytic dewaxed middle distillate (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-221 | Catalytic dewaxed light paraffinic oil (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-222 | Catalytic dewaxed heavy paraffinic oil (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-223 | Hydrodesulfurized light naphtha (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-224 | Hydrodesulfurized kerosine (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-225 | Hydrodesulfurized gas oil (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-226 | Hydrodesulfurized atmospheric tower residuum (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-227 | Hydrodesulfurized heavy vacuum gas oil (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-228 | Hydrodesulfurized heavy vacuum gas oil (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-229 | Steam cracked residuum (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-230 | Light aliphatic solvent naphtha (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-231 | Medium aliphatic solvent naphtha (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-232 | Heavy aliphatic solvent naphtha (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-233 | Light aromatic solvent naphtha (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-234 | Heavy aromatic solvent naphtha (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-235 | Calcined coke (shale oil) | 47 FR 54358 (12/2/82) | Do. |
| 83-236 | Generic name: Alkyl-substituted imidazole derivative of methyl-pyrimidinone-azomethyl-phenyl benzothiazole. | 47 FR 53782 (11/29/82) | Do. |
| 83-238 | Generic name: Polyamide | 47 FR 53782 (11/29/82) | Feb 15, 1983 |
| 83-239 | Generic name: Polyester polyurethane from a diisocyanate and an alkanediol with alkanolic acid and anhydride. | 47 FR 53783 (11/29/82) | Do. |
| 83-240 | Generic name: Reaction product of inorganic acid with the reaction product of carboxylic acid and alkanolamine. | 47 FR 53783 (11/29/82) | Do. |
| 83-241 | Generic name: Polyester polycarboxylate salt | 47 FR 53783 (11/29/82) | Do. |
| 83-242 | Generic name: Polymer of aliphatic polyols, aliphatic and aromatic dicarboxylic acids | 47 FR 53783 (11/29/82) | Do. |
| 83-243 | Generic name: Methyl-oxethyl-methylene imidazolium deriv. of copper phthalocyanine methoxyacetate. | 47 FR 53783 (11/29/82) | Do. |

III. 158 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

| PMN No. | Identity and generic name | FR citation | Expiration date |
|---------|---|------------------------|-----------------|
| 83-244 | Polymer of tetrahydronaphthalic anhydride, tall oil fatty acid, bisphenol A-oxirane polymer, phenol-epichlorohydrin-formaldehyde polymer, paraformaldehyde, diethylamine, diethylamino-propylamine, diisopropylamine. | 47 FR 53783 (11/29/82) | Do. |
| 83-245 | Polymer of tetrahydronaphthalic anhydride, phthalic anhydride, acrylic acid, 2-ethylhexyl ester, bisphenol A-oxirane polymer, phenol-epichlorohydrin-formaldehyde polymer, paraformaldehyde, aminoethypropanediol, butanol, diethanolamine, diethylamine, diethylaminopropylamine. | 47 FR 53783 (11/29/82) | Do. |
| 83-246 | Polymer of tetrahydronaphthalic anhydride, acrylic acid, 2-hydroxyethyl ester, methacrylic acid, 2-hydroxy ethyl ester, bisphenol A-oxirane polymer, neodecanoic acid, 2,3-epoxypropyl ester, toluenediisocyanate, N,N-diethanolamine, diethanolamine. | 47 FR 53783 (11/29/82) | Do. |
| 83-247 | Polymer of tetrahydronaphthalic anhydride, maleic anhydride, phthalic anhydride, tall oil fatty acid, acrylic acid, 2-hydroxyethyl ester, methacrylic acid, 2-hydroxyethyl ester, methacrylic acid, 2,3-epoxy propyl ester, bisphenol A-oxirane polymer, neodecanoic acid, 2,3-epoxy propyl ester, toluenediisocyanate, N, N-diethanolamine, diethanolamine, 1,6-hexanediol, butanol. | 47 FR 53783 (11/29/82) | Do. |
| 83-248 | Polymer of bisphenol A-oxirane polymer, toluene-diisocyanate, diethanolamine, diethylamino-propylamine. | 47 FR 53783 (11/29/82) | Do. |
| 83-249 | Polymer of malonic acid, diethyl ester, dimethylolpropane. | 47 FR 53783 (11/29/82) | Do. |
| 83-250 | Polymer of malonic acid, diethyl ester, tri-methylolpropane, 1,6-hexanediol. | 47 FR 53783 (11/29/82) | Do. |
| 83-251 | Generic name: Phenoxy modified alkyl. | 47 FR 54537 (12/3/82) | Feb. 16, 1983. |
| 83-252 | Generic name: Alkyl amino-amide salt. | 47 FR 54537 (12/3/82) | Feb. 19, 1983. |
| 83-253 | Generic name: Maleated rosin monobasic acids glycerol ester. | 47 FR 54537 (12/3/82) | Feb. 20, 1983. |
| 83-254 | Generic name: Maleated rosin monobasic acids pentaerythritol ester. | 47 FR 54537 (12/3/82) | Do. |
| 83-256 | Generic name: Polymer of acrylic acid and mixed alkyl acrylates. | 47 FR 55422 (12/9/82) | Feb. 23, 1983. |
| 83-257 | Generic name: Copolymer of ethenyl heterocycle and substituted, ethenyl benzene. | 47 FR 55422 (12/9/82) | Do. |
| 83-258 | Generic name: Polymer of styrene: methacrylate ester, acrylic ester, and acrylic acid. | 47 FR 55422 (12/9/82) | Do. |
| 83-259 | Generic name: Polyester resin. | 47 FR 55422 (12/9/82) | Do. |
| 83-260 | Generic name: Modified maleated rosin pentaerythritol ester alkylphenol formaldehyde resin. | 47 FR 55422 (12/9/82) | Feb. 27, 1983. |
| 83-261 | 2,2-bis [4-(4-aminophenoxy)phenyl]hexafluoro-propane. | 47 FR 55422 (12/9/82) | Do. |
| 83-262 | Generic name: Halogenated dinitro ether compound. | 47 FR 55423 (12/9/82) | Do. |

IV. 38 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE

| PMN No. | Chemical Identification | FR citation | Date of commencement |
|---------|--|------------------------|----------------------|
| 80-199 | Generic name: Methyl, aminoheteropolycycle. | 45 FR 60003 (9/11/80) | Sept. 15, 1982. |
| 81-261 | Generic name: Amine derivative. | 46 FR 34409 (7/1/81) | Mar. 1, 1983. |
| 81-512 | Generic name: Substituted heteropolycycle. | 46 FR 50840 (10/15/81) | Jan. 24, 1983. |
| 81-591 | Generic name: Nitrogen-containing organic sulfide. | 46 FR 58178 (11/30/81) | Feb. 16, 1982. |
| 81-633 | Generic name: Hydroxy alkenyl borate. | 46 FR 62313 (12/23/81) | Jan. 24, 1983. |
| 82-131 | Generic name: Zinc-containing alkenyl carboxamide. | 47 FR 8675 (3/1/82) | Feb. 1, 1983. |
| 82-147 | Generic name: Organorhodium complex. | 47 FR 10075 (3/9/82) | Nov. 1982. |
| 82-173 | Generic name: Borate esters-mixture. | 47 FR 10900 (3/12/82) | Feb. 15, 1983. |
| 82-174 | Generic name: Substituted acrylamide polymer. | 47 FR 10901 (3/12/82) | Feb. 17, 1983. |
| 82-250 | Generic name: A mixture of Naphthalenedi-sulfonic acid, [azoxy bis(substituted-phenyl)azo]bis(substituted), and its sodium salts. | 47 FR 16404 (4/16/82) | Feb. 16, 1983. |
| 82-263 | Generic name: A mixture of the sodium salts, lithium salts, and mixed sodium/lithium salts of naphthalenedisulfonic acid, [azoxy bis(substituted-phenyl)azo]bis(substituted). | 47 FR 16405 (4/16/82) | Do. |
| 82-330 | Generic name: Poly(vinyl acrylate). | 47 FR 20853 (5/14/82) | Feb. 15, 1983. |
| 82-359 | Generic name: Polyester resin. | 47 FR 23552 (5/28/82) | Feb. 17, 1983. |
| 82-419 | Generic name: Acrylamide-acrylate copolymer. | 47 FR 26235 (6/17/82) | Mar. 2, 1983. |
| 82-450 | Generic name: Amino alkyl alkoxy silanes. | 47 FR 28995 (7/2/82) | Jan. 21, 1983. |
| 82-456 | Generic name: Polymer of a vegetable oil derivative, alkane diols and a carbomonocyclic anhydride. | 47 FR 28995 (7/2/82) | Dec. 12, 1983. |
| 82-518 | Generic name: Metal complexed substituted aromatic. | 47 FR 34187 (8/6/82) | Dec. 23, 1982. |
| 82-562 | Generic name: 1-Naphthalene sulfonic acid, (((triazin)amino)disulfo)azo-, triodium salt. | 47 FR 36469 (7/8/81) | Feb. 7, 1983. |
| 82-566 | Generic name: Heteromonocycle, substituted. | 47 FR 36469 (8/20/82) | Do. |
| 82-567 | Generic name: Heteromonocycle, substituted. | 47 FR 36469 (8/29/82) | Do. |
| 82-588 | 4-(1,1-dimethylethyl)pyridine. | 47 FR 39242 (9/7/82) | Dec. 16, 1982. |
| 82-589 | Generic name: Cresol novolac modified methacrylate epoxy ester. | 47 FR 39242 (9/7/82) | Feb. 15, 1983. |
| 82-651 | Generic name: Metal complexed substituted aromatic salt. | 47 FR 41166 (9/17/82) | Dec. 29, 1982. |
| 82-674 | Hexa-aquomagnesium (II) bis(2-carboxylatomono-peroxy-benzoic acid). | 47 FR 42153 (9/24/82) | Jan. 19, 1983. |
| 82-680 | 2-propanoic acid, 2-hydroxyethyl ester, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, hydroxy-hydroxy-poly(oxy-1,2-ethanediyl), 5-isocyanato-1-(isocyanatomethyl)-1, 3, 3-trimethylol-clohexane and 2 oxepanone. | 47 FR 43161 (9/30/82) | Jan. 1983. |
| 82-696 | Generic name: Aminosulfur compound. | 47 FR 44609 (10/8/82) | Jan. 24, 1983. |
| 83-3 | Generic name: Disubstituted propene. | 47 FR 46371 (10/18/82) | Feb. 14, 1983. |
| 83-4 | Generic name: Substituted propene. | 47 FR 46371 (10/18/82) | Do. |
| 83-5 | Generic name: Substituted alkanic acid ester. | 47 FR 46371 (10/18/82) | Do. |
| 83-6 | Generic name: Substituted lactam. | 47 FR 46371 (10/18/82) | Do. |
| 83-7 | Generic name: Substituted lactam. | 47 FR 46371 (10/18/83) | Do. |
| 83-13 | Generic name: Amine modified dimethylpolysiloxane. | 47 FR 46372 (10/18/82) | Jan. 21, 1983. |
| 83-69 | Generic name: Mixed C _n dicarboxylic amino alkyl amines. | 47 FR 50339 (11/5/82) | Apr. 1, 1983. |
| 83-74 | Generic name: Polymer of styrene, alkyl acrylates and substituted alkyl methacrylates. | 47 FR 50339 (11/5/82) | Feb. 28, 1983. |
| 83-90 | Generic name: Polymer of polysubstituted alkyl acrylates. | 47 FR 52222 (11/19/82) | Jan. 31, 1983. |
| 83-92 | Generic name: Reaction product of a polyhalo-genated anhydride, maleic anhydride and alkylene glycols. | 47 FR 52222 (11/19/82) | Do. |
| 83-108 | Generic name: Polymer of fatty acids with a substituted alkanic acid, carbomonocyclic acids, polyols and a carbomonocyclic anhydride. | 47 FR 52222 (11/19/82) | Feb. 10, 1983. |
| 83-128 | Generic name: Organo zinc salt. | 47 FR 53782 (11/29/82) | Feb. 28, 1983. |

V. 31 PREMANUFACTURE NOTICES WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED

| PMN No. | Identity and generic name | FR citation | Date suspended |
|---------|---|------------------------|---------------------------|
| 80-137 | Benzeneamine, 4,4'-methylene bis [N-(1-methylbutylidene)] | 45 FR 48243 (7/18/80) | Sept. 22, 1980. |
| 80-138 | Benzeneamine, 4,4'-methylene bis [N-(1-methylbutylidene)] | 45 FR 48243 (7/18/80) | Do. |
| 80-146 | Phosphorodithioic acid, O,O'-di(isohexyl, isohexyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt. | 45 FR 49153 (7/23/80) | Sept. 17, 1980. |
| 80-147 | Phosphorodithioic acid, O,O'-di(isohexyl, isohexyl, isooctyl, isononyl, isodecyl) mixed esters | 45 FR 49153 (7/23/80) | Do. |
| 80-264 | Generic name: Benzeneamine, [N-(1-methylbutylidene)-N-(1-methyl butylidene)-4, 4'-methylene bis]. | 45 FR 73127 (11/4/80) | Dec. 24, 1980. |
| 81-558 | 4-hydroxy-3-[5-(2-hydroxysulfonyloxy) ethylsulfonyl]-2-methoxyphenylazo)-7-succinyl-amino-2-naphthalenesulfonic acid disodium salt. | 46 FR 55146 (11/6/81) | Jan. 27, 1982. |
| 81-561 | 4-[4-(2-(hydroxysulfonyloxy) ethylsulfonyl)-5-methyl-2-methoxyphenylazo]-3-methyl-1-(3-sulfonyl)-5-pyrazolone disodium salt. | 46 FR 55146 (11/6/81) | Do. |
| 81-660 | 4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxy-sulfonyloxy) ethylsulfonyl) phenylazo)-1-naphthalenesulfonic acid disodium salt. | 47 FR 1021 (1/8/82) | Mar. 28, 1982 |
| 81-661 | 4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxy-sulfonyloxy) ethylsulfonyl) phenylazo)-6-(3-sulfonyl)amino-2-naphthalenesulfonic acid trisodium salt. | 47 FR 1021 (1/8/82) | Do. |
| 82-60 | Generic name: Zinc, O,O-bis alkylphosphoro dithioate. | 47 FR 5932 (2/9/82) | Apr. 15, 1982. |
| 82-387 | Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters. | 47 FR 25401 (6/11/82) | July 30, 1982. |
| 82-388 | Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters, zinc salt. | 47 FR 25401 (6/11/82) | Do. |
| 82-586 | Withdrawn as of December 3, 1982. | | |
| 82-678 | Generic name: Chlorinated aromatic azo anthraquinone pigment. | 47 FR 43161 (9/30/82) | Nov. 22, 1982. |
| 82-679 | Generic name: Chlorinated aromatic azo pigment. | 47 FR 43161 (9/30/82) | Do. |
| 83-1 | Generic name: Polyhalogenated aromatic alkylated hydrocarbon. | 47 FR 46371 (10/18/82) | Oct. 22, 1982. |
| 83-23 | Generic name: Substituted phenol. | 47 FR 46373 (10/18/82) | Dec. 21, 1982. |
| 83-24 | Generic name: Substituted pyridine. | 47 FR 46373 (10/18/82) | Dec. 24, 1982. |
| 83-25 | Generic name: Substituted pyridine. | 47 FR 46373 (10/18/82) | Do. |
| 83-35 | Generic name: Sulfonylphenylazophthyl dye. | 47 FR 47067 (10/22/82) | Jan. 4, 1983. |
| 83-36 | Generic name: Acylated alkoxyated aliphatic glycol. | 47 FR 47068 (10/22/82) | Dec. 27, 1982. |
| 83-37 | Generic name: Acylated alkoxyated aliphatic glycol. | 47 FR 47068 (10/22/82) | Do. |
| 83-38 | Generic name: Sulfonylphenylazophthyl dye. | 47 FR 47068 (10/22/82) | Jan. 4, 1983. |
| 83-49 | Generic name: Substituted pyridine. | 47 FR 48073 (10/29/82) | Dec. 21, 1982. |
| 83-75 | Generic name: Sodium 2-substituted propanoate. | 47 FR 50339 (11/5/82) | Feb. 10, 1983. |
| 83-110 | Generic name: Saturated acid diester. | 47 FR 52223 (11/19/82) | Jan. 26, 1983. |
| 83-111 | Generic name: Aromatic acid diester. | 47 FR 52223 (11/19/82) | Feb. 5, 1983. |
| 83-115 | Generic name: Naphthalenedisulfonic acid, disodium salt, ((2-(sodium sulfoxyethyl) sulfonyl)aryloxy) and monochlorotriazinylamino, substituted, copper complex. | 47 FR 52224 (11/19/82) | Feb. 1, 1983. |
| 83-237 | Generic name: Substituted pyridine. | 47 FR 53762 (11/29/82) | Jan. 25, 1983. |
| 83-272 | Generic name: Substituted pyridine. | 47 FR 57333 (12/23/82) | Feb. 10 through 17, 1983. |
| 83-255 | Generic name: Dicarboxylic acid monoester. | 47 FR 54537 (12/3/82) | Feb. 17, 1983. |
| 83-263 | Generic name: Substituted thiocyclic compound. | 47 FR 55423 (12/9/82) | Feb. 27, 1983. |

[FR Doc. 83-7990 Filed 3-28-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

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. 1377, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Commodore Cruise Line, Limited and Olympia Caribbean Shipping Co., Inc., 1007 North America Way, Miami, Florida 33132.

Dated: March 24, 1983.

Francis C. Hurney,
Secretary.

[FR Doc. 83-6012 Filed 3-28-83; 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): Holland America Tours N.V. and Holland America Cruises, Inc., Holland American Line, One Landmark Square, Stamford, Connecticut 06901.

Dated: March 24, 1983.

Francis C. Hurney,
Secretary.

[FR Doc. 83-6011 Filed 3-28-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; Energy Banks, et al.

The companies listed in this notice

have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoening, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Energy Banks*, Casper, Wyoming; to acquire 100 percent of the voting shares of Security Bank of Glenrock, Glenrock, Wyoming. Comments on this application

must be received not later than April 22, 1983.

B. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Allied Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares of Town & Country Bank, Houston, Texas. Comments on this application must be received not later than April 22, 1983.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7944 Filed 3-28-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities; Northeastern Bancorp, Inc., et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 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 be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Northeastern Bancorp, Inc.*, Scranton, Pennsylvania (leasing activities; eastern Pennsylvania); To engage through its subsidiary, Norbank Lease, Inc. in the business of leasing personal property in accordance with the Board's Regulation Y. These activities would be conducted from an office in Scranton, Pennsylvania, serving eastern Pennsylvania. Comments on this application must be received not later than April 22, 1983.

B. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Mellon National Corporation*, Pittsburgh, Pennsylvania (investment or financial advisory activities; United States and overseas): To engage, through its subsidiary, Mellon Financial Services Corporation #2, in providing real estate portfolio investment advice, including: serving as the advisory company for a mortgage or real estate investment trust; serving as investment adviser, as defined in Section 2(a)(20) of the Investment Company Act of 1940, to an investment company registered under that Act; furnishing general economic information and advice, general economic statistical forecasting services and industry studies; and providing financial advice to State and local governments, such as with respect to real estate portfolio investment advice, which activities shall be conducted in conformance with § 225.4(a)(5) of Regulation Y. These activities would be conducted from an office located in Detroit, Michigan serving the United States and overseas. Comments on this application must be received not later than April 22, 1983.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7946 Filed 3-28-83; 8:45 am]

BILLING CODE 6210-01-M

Bent Tree Bancshares, Inc.; Proposed Acquisition of Bent Tree Mortgage, Inc.

Bent Tree Bancshares, Inc., Dallas, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Bent Tree

Mortgage, Inc., Dallas, Texas.

Applicant states that the proposed subsidiary would engage in the activities of making or acquiring loans and other extensions of credit, for its own account or for the account of others, such as would be made, for example, by a mortgage, finance, credit card or factoring company; providing insurance as agent or broker where the insurance is limited to assuring repayment of the outstanding balance due on a specific extension of credit by Applicant or any of its subsidiaries in the event of death, disability, or involuntary unemployment of the debtor, providing insurance as agent or broker where the insurance is limited to assuring repayment of the outstanding balance on an extension of credit by Company in the event of loss or damage to any property used as collateral on such extension of credit and the amount of such extension of credit conforms to the provisions of section 601(B) of the Garn-St Germain Act; and engaging in insurance activities limited solely to supervising on behalf of insurance underwriters the activities of retail insurance agents who sell fidelity insurance and property and casualty insurance on the real and personal property used in the operations of Applicant or any of its subsidiaries, and group insurance that protects the employees of Applicant or any of its subsidiaries; acting as an investment or financial adviser to the extent of serving as the advisory company of a mortgage or real estate investment trust, serving as investment adviser to an investment company registered under the Investment Company Act of 1940, providing portfolio investment advice to any person, furnishing general economic information and advice, general economic statistical forecasting services and industry studies, and providing financial advice to state and local governments, such as with respect to the issuance of their securities. These activities would be performed from offices of Applicant's subsidiary in Dallas, Texas, and the geographic area to be served is the Dallas Metropolitan Area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce

benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 20, 1983.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7943 Filed 3-28-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Newport Bancshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for the application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Newport Bancshares, Inc.*, Newport, Arkansas; to become a bank holding company by acquiring 87.2 percent of the voting shares of The First

State Bank of Newport, Newport, Arkansas. Comments on this application must be received not later than April 22, 1983.

B. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *N.B.C. Bancshares in Pawhuska, Inc.* Pawhuska, Oklahoma; to become a bank holding company by acquiring 80 percent of the voting shares of National Bank of Commerce in Pawhuska, Pawhuska, Oklahoma. Comments on this application must be received not later than April 22, 1983.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7945 Filed 3-28-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Office of Federal Supply and Services

Notification of Office Name Change

The Administrator of General Services on January 22, 1983, redesignated GSA's Office of Personal Property as the Office of Federal Supply and Services. Federal agencies and the public are advised of the change so that correspondence and other documents may reflect the new name.

"Office of Federal Supply and Services," abbreviated "FSS," is more descriptive of the basis functions for which the office is responsible.

The primary role of FSS is buying and distributing thousands of day-to-day items Federal employees need to do their work, such as office supplies and machines, tools, furniture, vehicles, and appliances. Services include transportation, travel, and personal property rehabilitation, utilization and disposal.

The change of name to "Federal Supply and Services" also reflects a new era of service to the customer agencies of the General Services Administration. FSS procurement and supply expertise are being extended to a greater segment of the Federal Government through a project called Customer Base Expansion (CBE). The thrust is to reduce the degree and cost of open market buying done by agencies, primarily in small quantities at or near retail prices, and redirect their procurements of everyday needs through established GSA/FSS channels to achieve savings exceeding 20 percent through volume purchasing. From a base

of approximately \$3 billion procured through GSA/FSS, where centralized buying results in reduced costs of items and overhead, FSS hopes to expand its support to \$4 billion in FY 1983 and \$6 billion in FY 1984. Hundreds of millions of dollars in additional savings to the taxpayer is projected as a result of this enhanced support through consolidated volume purchase of common use goods and services.

Another economic initiative is the renewed emphasis of an existing regulation that makes excess personal property the first source of supply. GSA has established a "No Waste Task Force" to identify property, such as furniture, that is not in use and report it for use by other agencies. The concept is being developed in the National Capital Region (NCR) and will be expanded to other regions as warranted. Further, a computerized system is being developed to match requisitions for new personal property against available excess; where feasible, issues from excess will be made. In NCR, agencies have saved more than 40 percent by purchasing rehabilitated furniture from GSA instead of buying new.

For additional information, or to communicate with the new Office of Federal Supply and Services, the Official mailing address is: General Services Administration (F), Washington, DC 20406.

Dated: March 17, 1983.

L. L. Mitchell,

Assistant Administrator for Federal Supply and Services.

[FR Doc. 83-7950 Filed 3-28-83; 8:45 am]

BILLING CODE 6820-24-M

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Preservation of Current Holdings Subcommittee of the Advisory Committee on Preservation will meet on April 11, 1983 from 10:00 a.m. to 4:00 p.m., and April 12, 1983 from 9:00 a.m. to 4:00 p.m. in Room 105, National Archives Building, Washington, DC. This meeting will be devoted to Paper Textual surveying, modeling and environmental conditions as related to the mission of the National Archives.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: March 17, 1983.

G. N. Scaboo,

Acting Archivist of the United States.

[FR Doc. 83-7986 Filed 3-28-83; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

National Occupational Exposure Survey of Mining; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Date: April 21, 1983.

Time: 9:00 a.m. to 4:30 p.m.

Place: Hubert H. Humphrey Building, Room 703-727A, 200 Independence Avenue, SW., Washington, D.C. 20201.

Purpose: To obtain comments on NIOSH plans for a National Occupational Exposure Survey of Mining.

NIOSH is planning to conduct a survey of the mining industry beginning in October 1983. The survey would entail NIOSH visits to a sample of mining sites. Each site visit would consist of a questionnaire and visual estimation of potential occupational exposures of mine workers.

Comments or questions regarding the proposed survey will be received at the meeting. Formal presentations should be accompanied by written text. Informal comments and questions will also be entertained during the meeting. NIOSH will review and consider all comments offered at this meeting prior to proceeding with survey plans.

Additional information may be obtained from: Dennis W. Groce, Industrial Hygienist, Division of Respiratory Disease Studies, National Institute for Occupational Safety and Health, Centers for Disease Control, 944 Chestnut Ridge Road, Room 120, Morgantown, WV 26505, Telephone: (304) 291-4496.

Dated: March 23, 1983.

William H. Foego,

Director, Centers for Disease Control.

[FR Doc. 83-7985 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 81N-0180]

Scherer Laboratories, Inc., et al.; Withdrawal of Approval of Abbreviated New Drug Applications

Correction

In FR Doc. 83-22 appearing on page 332 in the issue of Tuesday, January 4, 1983, make the following corrections:

On page 332, second column, in the table, (1) ANDA No. 80-033 and ANDA No. 80-042, second line, "Table" should read "Tablet"; (2) in the second column of the table, the applicant opposite ANDA No. 80-042 should read "Webcon Pharmaceuticals Division"; (3) ANDA No. 83-197, "Propoxyphene" should read "Propoxyphene"; (4) ANDA No. 83-418, second line, "Estrongens" should read "Estrogens"; (5) in the third column, second paragraph second line, "050" should read "505".

BILLING CODE 1505-01-M

[Docket No. 81N-0181]

American Pharmaceutical Co., Inc., et al.; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

Correction

In FR Doc. 83-23 beginning on page 332 in the issue of Tuesday, January 4, 1983, make the following correction:

On page 333, third column, second paragraph, third line, "210" should read "310".

BILLING CODE 1505-01-M

[Docket No. 80N-0012; DESI 9049]

Prescription Topical Anti-Infective Drug Products; Drugs for Human Use; Drug Efficacy Study Implementation; Withdrawal of Approval of New Drug Application

Correction

In FR Doc. 83-24 appearing on page 334 in the issue of Tuesday, January 4, 1983, make the following correction:

On page 334, first column, in the SUMMARY, third line, "Dame" should read "Dome"; in the ADDRESS, fourth line "9094" should read "9049"; second column, third paragraph, second line, insert "or" after the comma.

BILLING CODE 1505-01-M

[Docket No. 82F-0374]

Mitsui Petrochemical Industries, Ltd.; Filing of Food Additive Petition

Correction

In FR Doc. 83-26 appearing on page 335 in the issue of Tuesday, January 4, 1983, first column, under the SUPPLEMENTARY INFORMATION, first paragraph, seventh line, "Chrome" should read "Chome".

BILLING CODE 1505-01-M

[Docket No. 82P-0382]

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

Correction

In FR Doc. 83-8 beginning on page 335 in the issue of Tuesday, January 4, 1983, make the following correction:

On page 336, first column, under DATES, second line, "days" should read "months".

BILLING CODE 1505-01-M

[Docket No. 83F-0068]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of di-tert-butylphenyl phosphonite condensation product with biphenyl as an antioxidant and/or stabilizer for polymers.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3703) has been filed by Ciba-Geigy Corp., Hawthorne, NY 10532, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of di-tert-butylphenyl phosphonite condensation product with biphenyl as an antioxidant and/or stabilizer for polymers.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental

impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 18, 1983.
Sanford A. Miller,
Director, Bureau of Foods,
[FR Doc. 83-7936 Filed 3-29-83; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 82D-0350]

General Principles of Process Validation; Current Good Manufacturing Practice Draft Guideline

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline entitled "Guideline on General Principles of Process Validation," which outlines general principles of process validation the agency views as acceptable parts of a process validation program for preparing human and animal drug products and medical devices. The draft guideline, which is being made available for public comment to provide the agency with views to be considered in its development of a final guideline, is intended to inform interested persons of these acceptable principles to facilitate compliance with the current good manufacturing practice (CGMP) regulations and to help assure the quality of human and animal drug products and medical devices. The guideline was prepared by FDA's National Center for Drugs and Biologics and National Center for Devices and Radiological Health.

DATE: Comments by May 31, 1983.

ADDRESS: Requests for a copy of the draft guideline and written comments regarding the draft guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-82, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
For Human and Animal Drug Products: Clifford G. Broker, National Center for Drugs and Biologics (HFN-323), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5307.

For Medical Devices: Edward J. McDonnell, National Center for Devices and Radiological Health (HFK-130), Food and Drug

Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7122.

SUPPLEMENTARY INFORMATION: The draft guideline is intended to inform interested persons of process validation principles that FDA believes constitute acceptable ways of compliance with applicable CGMP regulations. FDA notes that because of the great variety of products, processes, and manufacturing facilities it is impossible to state comprehensively all the specific validation elements applicable to every situation. However, several broad process validation concepts presented in the draft guideline have general applicability and provide an acceptable framework for building a comprehensive approach to process validation.

The draft guideline is being made available for public comment before being issued as the formal position of the agency. If, following the receipt of comments, the agency concludes that the guideline reflects acceptable process validation principles for compliance with applicable CGMP regulations, the guideline will be made final, and the availability will be announced under § 10.90(b) (21 CFR 10.90(b)). That section provides for the use of guidelines to establish procedures of general applicability that are not legal requirements but are acceptable to the agency. A person who follows a guideline is assured that his or her conduct will be acceptable to the agency. A person may also choose to use alternative procedures even though they are not provided for in the guideline. A person who chooses to do so may discuss the matter further with the agency to prevent an expenditure of money and effort for work that the agency may later determine to be unacceptable. Therefore, manufacturers are encouraged to use this opportunity to submit comments on the draft guideline if they have suggestions for its revision.

Interested persons may, on or before May 31, 1983, submit written comments on the draft guideline to the Dockets Management Branch (address above). These comments will be considered in determining whether further amendments to, or revisions of, the draft guideline are warranted. Comments should be in two copies (except that individuals may submit single copies), identified with the docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. Requests for a single copy of the draft guideline should be sent to the Dockets Management Branch.

Dated: March 23, 1983.

Joseph P. Hile,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7933 Filed 3-28-83; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 79D-0465]

Human, Biological, and Animal Drugs and Medical Devices; Availability of Draft Guideline for Use of the Limulus Amebocyte Lysate (LAL) Test

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline for use of the Limulus Amebocyte Lysate (LAL) test as an end product endotoxin test for human, biological, and animal injectable drugs and medical devices. The draft guideline, which is being made available for public comment to provide the agency with views to be considered in its development of a final guideline, is intended to inform manufacturers of acceptable methods of validating the LAL test before using it as an alternative to the official rabbit pyrogen test. Manufacturers of human, biological, and animal injectable drugs and medical devices may start using the LAL test following the procedures set forth in the draft guideline. For human, biological, and animal injectable drugs that are subject to requirements of submission of applications to the agency, FDA will accept and approve, as appropriate, supplements to applications for approval that describe use of the LAL test. Manufacturers of medical devices are not required to submit applications or supplemental applications for premarket approval or premarket notification submissions to describe use of the LAL test, unless the LAL test procedures used by such manufacturer deviate significantly from the procedures in the draft guideline.

DATES: Comments by June 27, 1983.

ADDRESS: Requests for a copy of the draft guideline and written comments regarding the draft guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
Human Drugs: Terry E. Munson,
National Center for Drugs and Biologics (HFN-325), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6007.

Biological Products: Michael L. Hooton, National Center for Drugs and Biologics (HFN-813), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

Animal Drugs: Patricia Cushing, Bureau of Veterinary Medicine (HFV-143), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1788.

Medical Devices: Virginia C. Ross, National Center for Devices and Radiological Health (HFK-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 12, 1973 (38 FR 1404), FDA announced that LAL intended to measure bacterial endotoxins in blood and drugs for human use is a biological product subject to licensing under section 351 of the Public Health Service Act (42 U.S.C. 262). LAL is prepared from the circulating blood cells (amebocytes) of the horseshoe crab (*Limulus polyphemus*). Since 1973, LAL has been used in a test procedure that has proved to be both a sensitive indicator of the presence of bacterial endotoxins (pyrogens) and valuable in enabling manufacturers to withhold from the market human drugs and other products which, if they contain bacterial endotoxins and are administered to humans, may produce fever, shock, and death.

When FDA published the January 12, 1973 Federal Register notice, the available data on and experience with the LAL test did not support its use as an end product test for endotoxins and, thus, it was not then considered a suitable alternative to the official United States Pharmacopeia (USP) rabbit pyrogen test. However, the LAL test was considered suitable as an inprocess endotoxin test, i.e., a preliminary test conducted only for informational purposes, but could not serve as a basis for the release of particular lots of blood or drug products. Accordingly, the January 12, 1973 notice permitted marketing of the LAL test without a biological product license if its use was limited to the inprocess testing of human drugs and if its labeling stated that the test was not suitable as a replacement for the official rabbit pyrogen test.

Since 1973, production techniques for the LAL test have been standardized, consistently yielding LAL test results with an endotoxin sensitivity over 100 times greater than that previously possible. Moreover, the LAL test is faster and more economical and can be tested on a smaller volume of product

than the rabbit pyrogen test. In addition, one individual can perform many LAL tests in 1 day.

In a notice published in the Federal Register of November 4, 1977 (42 FR 57749), FDA announced conditions under which the LAL test could be used as an end product endotoxin test for licensed biological products and medical devices. On March 26, 1979, the then Bureau of Medical Devices (now the Office of Medical Devices (OMD) in FDA's National Center for Devices and Radiological Health) made available to interested persons a draft guideline setting forth conditions for using the LAL test for medical devices.

This notice and the new draft guideline change certain provisions in the 1979 draft guideline, based upon the device industry's substantial expertise in using the LAL test since the 1979 draft guideline was made available. FDA no longer believes it necessary for manufacturers to submit to OMD data establishing that the LAL test that the manufacturer proposes to use is at least equivalent to the official USP rabbit pyrogen test. If a manufacturer follows the draft guideline now being made available, OMD need not grant written approval to use the LAL test. A device manufacturer that plans to use LAL test procedures deviating significantly from the test procedures in the draft guideline is required to obtain written approval from the Director of OMD through submission of a premarket notification (see section 510(k) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360) and FDA's regulations governing premarket notification procedures (21 CFR 807.81(a)(3))), or a premarket approval application or supplement (see section 515 of the act (21 U.S.C. 360(e))).

The November 4, 1977 notice stated that the use of LAL for drug products other than biological would be the subject of a future Federal Register publication. Accordingly, in the Federal Register of January 18, 1980 (45 FR 3668), FDA published a notice announcing the availability of a draft guideline that described the conditions for validating the LAL test before using it as a final end product endotoxin test for human and veterinary injectable drug products. The January 18, 1980 notice also requested that manufacturers submit comments and information to FDA that might be helpful in preparing the final guideline.

After reviewing the comments received on the 1979 and 1980 drafts, FDA is combining the drafts into a single draft agency guideline which differs in two significant ways from the earlier drafts. Because of these changes,

FDA has decided to make the agency draft guideline available for comment, but at the same time, to permit firms to start using the LAL test following the procedures set forth in the draft guideline.

Because of different applicable statutory provisions and regulations and the nature of some products, the draft guideline sets forth somewhat different procedures for performing the LAL test as an end product test for the various categories of products regulated by FDA. For human, biological, and animal injectable drugs that are subject to the requirements of submission of applications to the agency, FDA will accept and approve, when appropriate, supplements to applications for approval that describe use of the LAL test. As discussed above, manufacturers of medical devices are not required to submit applications or supplemental applications for premarket approval or premarket notification submissions to describe use of the LAL test, unless the LAL test procedures to be used by a manufacturer would deviate significantly from the procedures in the draft guideline.

One of the two significant changes in the draft guideline involves the method of expressing the endotoxin limits for human and animal drug products. In the 1980 draft guideline, the endotoxin limit for parenteral drug product was 0.25 endotoxin unit per milliliter (EU/mL) of drug product. This limit applied to parenteral drugs without regard to the dose administered. Comments objected to this method of expressing the endotoxin limit. The comments said that the effects of endotoxin are related to the amount of endotoxin contained in the dose administered to a patient rather than the amount of endotoxin contained in 1 mL of the product.

FDA agrees with the comments. FDA is changing the endotoxin limit so that the amount of endotoxin permitted in the product is related to the dose. Because the dose varies from product to product, the endotoxin limit is expressed as K/M. K is 5.0 EU/kilogram (kg), which represents the approximate threshold pyrogen dose for humans and rabbits. M represents the rabbit pyrogen dose or the maximum human dose per kg that would be administered in a 1-hour period, whichever is larger. Thus, a product that has a maximum human dose of 10 mL/kg could contain no more than 0.5 EU/mL of the product.

The second significant change in the draft guideline is the deletion of the section of the 1980 draft guideline entitled "Absence of Non-endotoxin Pyrogenic Substances." The agency

believes that the testing described in this section would be of value only if a large number of batches were tested, and that requiring so much batch testing would be unreasonable and expensive. Therefore, FDA has determined that such testing is inappropriate and unnecessary.

This draft guideline is being made available for public comment before its issuance by FDA as its formal position. FDA invites interested persons to comment on any provision of the draft LAL guideline. However, the agency especially invites comments and data concerning the use of the turbidimetric technique for testing products covered by this guideline. If, after considering the comments and making appropriate changes, FDA concludes that the guideline reflects acceptable procedures for decisionmaking on LAL tests, the guideline will be made final, and its availability will be announced under § 10.90(b) of FDA's regulations (21 CFR 10.90(b)). That section provides for use of guidelines to establish procedures of general applicability that are not legal requirements but are acceptable to the agency. A person who follows a guideline is assured that his or her conduct will be acceptable to the agency. A person may also choose to use alternative procedures or standards even though they are not provided for in the guideline. A person who chooses to do so may discuss the matter further with the agency to prevent expenditure of money and effort for work that the agency may later determine to be unacceptable.

Interested persons may submit written comments to the Dockets Management Branch by June 27, 1983. Two copies of all comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Requests for a single copy of the draft guideline should be sent to the Dockets Management Branch.

Dated: March 21, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-7934 Filed 3-24-83; 11:36 am]

BILLING CODE 4160-01-M

[Docket No. 83G-0062]

Pfizer, Inc.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Pfizer, Inc., has filed a petition (GRASP 2G0282) proposing affirmation that lactase enzyme from *Candida pseudotropicalis* used in hydrolyzing lactose in milk and milk products is generally recognized as safe (GRAS) as a direct human food ingredient.

DATE: Comments by May 31, 1983.

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

FOR FURTHER INFORMATION CONTACT: Vivian Prunier, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 2G0282) has been filed by Pfizer, Inc., 235 E. 42d St., New York, NY 10017, proposing affirmation that lactase enzyme from *Candida pseudotropicalis* used to hydrolyze lactose in milk and milk products is GRAS as a direct human food ingredient.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the format requirements outlined in § 170.35 is filed by the agency. There is no pre-filing review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as preliminary indication of suitability for affirmation.

Interested persons may, on or before May 31, 1983, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 18, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-7939 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0049]

Union Carbide Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) is announcing that Union Carbide Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of fluorine treated polyethylene as a component of food-contact surfaces.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B3394) has been filed by Union Carbide Corp., Old Saw Mill River Rd., Tarrytown, NY 10591, proposing that Part 177 (21 CFR Part 177) be amended to provide for the safe use of fluorine treated polyethylene as a component of food-contact surfaces.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 18, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-7937 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83C-0012]

American Cyanamid Co.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that American Cyanamid Co. has filed a petition proposing that the color additive regulations be amended to provide for an increase in the current use levels of D&C Green No. 6 for coloring polyglycolic acid surgical sutures.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), 74 Stat. 399-402 as amended (21 U.S.C. 376(b)(1))), notice is given that a petition, CAP 3C0170, has been filed by American Cyanamid Co., Pearl River, NY 10965, proposing that § 74.1206(c)(1)(i) (21 CFR 74.1206(c)(1)(i)) of the color additive regulations be amended to provide for an increase to 0.5 percent of D&C Green No. 6 by weight for coloring polyglycolic acid sutures.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 17, 1983.
Sanford A. Miller,
Director, Bureau of Foods.
[FR Doc. 83-7828 Filed 3-28-83; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 83F-0027]

**E.I. duPont de Nemours & Co., Inc.;
Filing of Food Additive Petition**

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that E.I. duPont de Nemours & Co., Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of perfluorocarbon elastomers as articles or components of articles intended for repeated use in contact with food.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3683) has been filed by E.I. duPont de Nemours & Co., Inc., Wilmington, DE 19898, proposing that Part 177 (21 CFR Part 177) be amended to provide for the safe use of perfluorocarbon elastomers as articles

or components of articles intended for repeated use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 17, 1983.
Sanford A. Miller,
Director, Bureau of Foods.
[FR Doc. 83-7820 Filed 3-28-83; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 83F-0064]

**Monsanto Co.; Filing of Food Additive
Petition**

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Monsanto Co. has filed a petition proposing that the food additive regulations be amended to consolidate the current listings for polyamine-epichlorohydrin wet strength resins.

FOR FURTHER INFORMATION CONTACT: Mary W. Lipien, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3606) has been filed by Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to consolidate the current listings for polyamine-epichlorohydrin wet strength resins.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 17, 1983.
Sanford A. Miller,
Director, Bureau of Foods.
[FR Doc. 83-7829 Filed 3-28-83; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A-5321 and A-7730]

**Arizona: Realty Action Competitive
Sale of Public Land in Graham County;
Correction**

FR Doc. 83-2238 appearing on pages 3874 and 3875 in the issue of Thursday, January 27, 1983 is corrected by changing the closure date for acceptance of sealed bids from March 28, 1983 to April 18, 1983 and the date of the public sale from March 31, 1983 to April 19, 1983.

Dated: March 17, 1983.
Lester K. Rosenkrance,
District Manager.
[FR Doc. 83-7954 Filed 3-28-83; 8:45 am]
BILLING CODE 4310-84-M

**Montana; Lewistown District Advisory
Council; Meeting**

AGENCY: Bureau of Land Management, Lewistown District Advisory Council, Interior.

ACTION: Notice of meeting.

SUMMARY: The Lewistown District Advisory Council will meet April 7, 1983. The agenda will be:

- 9:00 a.m. Committee Meetings: Land Sales and Exchanges, Carpenter Creek Change in Use, Ervin Ridge Wild Horses, Wilderness Study, Fire Management, and Billings Resource Area Management Plan Committees
- 12:00 p.m. Recess
- 1:00 p.m. Committee Reports (as above), Briefing on Square Butte Natural Area Access
- 5:00 p.m. Adjournment.

Public comment will be sought during subcommittee meetings and following each committee report.

DATE: April 7, 1983, 9:00 a.m. to 5:00 p.m.

ADDRESS: Lewistown District Office, Airport Road, Lewistown, Montana.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The Lewistown District Advisory Council is authorized under section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739). The Council

advises the District Manager concerning the planning for and management of the public lands administered within the Lewistown District.

Dated: March 21, 1983.

David E. Little,

Associate District Manager.

[FR Doc. 83-7971 Filed 3-28-83; 8:45 am]

BILLING CODE 4310-84-M

[M 55148]

Montana; Conveyance of Public Land Petroleum County

March 21, 1983.

Notice is hereby given that, pursuant to Section 206 of the Act of October 21, 1976 (43 U.S.C. 1716, 90 Stat. 2756), in exchange for certain other lands, the following described public land was transferred to Isaac Lee Iverson and Marcia Iverson:

Principal Meridian, Montana

T.18 N., R. 27 E.,

Sec. 3, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 320 acres.

The purpose of this notice is to inform the public and interested state and local governmental officials of the issuance of the conveyance document to the Iversons.

Edgar D. Stark,

Chief, Lands Adjudication Section.

[FR Doc. 83-7973 Filed 3-28-83; 8:45 am]

BILLING CODE 4310-84-M

[NM 55264]

New Mexico; Coal Exploration License Applications

March 18, 1983.

Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87501. Pursuant to coal exploration license application NM 55264 members of the public are hereby invited to participate with Carbon Coal Company on a pro rata cost sharing basis, in a program for the exploration of coal deposits owned by the United States of America. The lands are located in McKinley County, New Mexico and are described as follows:

T. 14 N., R. 18 W., N. Mex., Prin. Mer., New Mexico

Sec. 1, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;

Sec. 3, S $\frac{1}{2}$;

Sec. 10, N $\frac{1}{2}$, SE $\frac{1}{4}$;

Sec. 11, All;

Sec. 12, W $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 14, N $\frac{1}{2}$;

Containing 2,440.20 Acres.

Any party electing to participate in this exploration program shall notify in

writing, both the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501 and Carbon Coal Company, 2412 Wellesley Drive, NE, Albuquerque, New Mexico 87107. Such written notice must include a justification for wanting to participate and any recommended changes in the exploration plan with specific reasons for such changes. The notice must be received no later than 30 calendar days after the publication of this notice in the Federal Register.

The lands described above are included in the Ta Ha Ba Well underground mineable competitive coal lease tract. The tract is being considered for possible inclusion in the San Juan region coal sale which is scheduled for December 1983.

This proposed exploration program is for the purpose of determining the quality and quantity of the coal in the area and is fully described and will be conducted pursuant to an exploration plan to be approved by the Minerals Management Service and the Bureau of Land Management. A copy of exploration plan as submitted by Carbon Coal Company, may be examined at the Bureau of Land Management State Office, Room 3031, Joseph M. Montoya Federal Building and U.S. Post Office, South Federal Place, Santa Fe, New Mexico, and the Minerals Management Service, 411 N. Auburn Avenue, Farmington, New Mexico.

Charles W. Luscher,

State Director.

[FR Doc. 83-7972 Filed 3-28-83; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Management Framework Amendment, Hanna MFP, Rawlins District

AGENCY: Rawlins District Office, Rawlins, Wyoming, Bureau of Land Management, Interior.

ACTION: Management Framework Plan Amendment to the Hanna MFP, Rawlins District, Wyoming.

SUMMARY: The Rawlins District, Bureau of Land Management proposes to amend coal land use decisions in a portion of the Hanna Coal Unsuitability Review Area, Hanna Management Framework Plan (MFP).

The public is invited to comment on issues to be considered in this MFP amendment.

ADDRESS: Any comments should be addressed to the District Manager, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301. All documents

pertaining to this MFP are available at the above address.

FOR FURTHER INFORMATION CONTACT: Additional information requests or questions can be directed to either Mike Karbs, Rawlins District, or Floyd Ewing, Medicine Bow Resource Area Manager. Both are in the Rawlins District Office, Telephone 307/324-7171.

SUPPLEMENTARY INFORMATION: The area to be considered in the MFP amendment is generally located within a zone 2,000 feet from the east shore of Seminole Reservoir in Carbon County, Wyoming. The public lands to be considered in the plan amendment lie within the lands described as:

Township 23 North, Range 84 West, 6th Principal Meridian

Secs. 1, 2, 11, 13, 14, 24, 25, 26, 34 and 35

Township 23 North, Range 83 West, 6th Principal Meridian

Sec. 30

Township 24 North, Range 84 West, 6th Principal Meridian

Sec. 36

Township 24 North, Range 83 West, 6th Principal Meridian

Secs. 19, 20, 21, 27, 28, 29 and 30

In 1979, as part of conducting the coal unsuitability review for the Hanna Review area, Hanna MFP, this area was identified as unacceptable for further consideration for coal development because of multiple use conflicts. These conflicts included a 2,000' scenic corridor protected by a Carbon County ordinance and the potential for adverse impact to wildlife and water quality as a result of coal mining activities. Since 1979, Carbon County has repealed the 2,000' scenic corridor ordinance. In addition, Medicine Bow Coal Company has applied for an emergency coal lease sale on several parcels within this area because valuable coal deposits will be by-passed in the foreseeable future and because the location of these parcels makes it unlikely that these deposits would ever be recovered by any other mining operation.

General issues anticipated in this MFP amendment include conservation of the coal resource, scenic values, water quality, wildlife values, and cultural values. The MFP amendment will include an environmental analysis of the emergency coal lease application mentioned above. The MFP amendment will be prepared by an interdisciplinary team, including a hydrologist, geologist, recreation planner, archeologist, realty specialist and biological specialists.

There will be a public hearing held prior to approval of this MFP amendment. At present it is also anticipated that a public meeting will be held prior to the public hearing to allow

public comment on the analysis developed for the MFP amendment. Dates have not yet been set for the public hearing or meeting but public notice will be provided as these dates are set.

Elbert W. Spencer,
Associate District Manager.

[FR Doc. 83-7074 Filed 3-28-83; 8:45 am]
BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 2554 and 3970, Blocks 541 and 542, 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 22, 1983.

John L. Rankin,
Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-7978 Filed 3-28-83; 8:45 am]
BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Pending Nominations; Alabama et al.

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 18, 1983. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 13, 1983.

Carol D. Shull,
Chief of Registration, National Register.

ALABAMA

Colbert County
Sheffield, U.S. Post Office, 210 Columbia St.

Etowah County
Attalla, U.S. Post Office, 401 4th St.

Marshall County
Albertville, U.S. Post Office, 107 W. Main St.
Guntersville, U.S. Post Office, 520 Gunter Ave.

ALASKA

Sitka Division
Sitka, Russian Bishop's House, Lincoln and Monastery Sts.

CONNECTICUT

Middlesex County
East Haddam, East Haddam Historic District, CT 149, Broom, Norwich, Creamery, Lumberyard, and Landing Hill Rds.

IOWA

Harrison County
Logan, Harrison County Jail, 105 S. 1st Ave.

LOUISIANA

East Baton Rouge Parish
Baton Rouge, Beauregard Town Historic District (Boundary Increase), Front St.

MAINE

Androscoggin County
Lewiston, Pillsbury Block, 200-210 Lisbon St.

Hancock County
Bucksport, Wilson Hall, Franklin St.

Penobscot County

Hampden Highlands, Kinsley, Martin, House, Main Rd.

Somerset County

Skowhegan, Skowhegan Free Public Library, Elm St.

MARYLAND

Baltimore (Independent City)
Building at 100 Hopkins Place, 100 Hopkins Pl.

MICHIGAN

Ottawa County
Holland, Holland Historic District, 11th, 12th, 13th, Sts., and Washington, Maple, and Pine Aves.

MISSOURI

Cape Girardeau County
Cape Girardeau, Thilenius, Col. George C., House (Longview), 100 Longview Pl.

MONTANA

Missoula County
Missoula, Toole, John R., House, 1005 Gerald Ave.

NEW MEXICO

Lincoln County
Jicarilla, Jicarilla Schoolhouse, NM 349, Lincoln National Forest

NORTH CAROLINA

Pasquotank County
Morgan's Corner vicinity, Newland Road Site, U.S. 17

PENNSYLVANIA

Lancaster County
Lancaster, Lancaster Crematorium, Greenwood Cemetery, 719 Highland Ave.

PUERTO RICO

Mayaguez County
San German vicinity, Hacienda Buena Union, PR 362

TEXAS

Galveston County
Galveston, Lasker Home for Homeless Children, 1019 16th St.

Houston County

Crockett, Mary Allen Seminary for Colored Girls, Administration Building, 803 N. 4th St.

Washington County

Chappell Hill, Waverly, FR 2447

VIRGINIA

Lynchburg (Independent City)
Diamond Hill Historic District (Boundary Increase), Grace St.

Richmond (Independent City)
Union Seminary, 3401 Brook Rd.

WASHINGTON

King County
Seattle, Hoge Building, 705 2nd Ave.
Seattle, Old Georgetown City Hall, 6202 13th Ave., S.
Seattle, Stuart House and Gardens, 619 W. Comstock St.

Pierce County

Tacoma, *Old Main (Harstad Hall)*, Park Ave.
S. and Garfield St.
Tacoma, *Pacific Avenue Historic District*,
1302-1356 Pacific Ave.

[FR Doc. 83-7737 Filed 3-28-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[No. 39053 et al.]¹

Motor Carriers; American Colloid Carrier Corp.—Petition For Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce
Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Eight motor contract carriers have each requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 13, 1983. The sought relief will become final on April 28, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:
Robin K. Williams (202) 275-7697 or
Howell I. Sporn (202) 274-7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101, 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The eight motor contract carriers identified in the appendix filed individual petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented and the relief sought by these petitioners are substantially

similar, we are consolidating them for notice purposes.

The petitioners hold a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. They argue, generally, that the tariff filing requirements represent an undue burden on their ability to compete effectively and to offer their shippers the immediate service often required. Citing lost business opportunities because of the tariff publishing and filing requirements, petitioners request that they be allowed the flexibility to quickly negotiate rates. Petitioners assert that they are interested in avoiding unnecessary expenses which handicap their efforts to provide economical and efficient service. They also argue that the Motor Carrier Act of 1980 encourages the Commission to remove obstacles which keep contract carriers from realizing their full potential. A number of petitioners offer to provide interested parties with copies of their rates if requested, but wish to be free of this expense if allowed.

We see no reason to deny these carriers the savings to be realized from a tariff filing exemption for existing contracts.² It appears that the exemption of these carriers from the requirement that they file tariffs covering their existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101. We will not order these carriers to provide copies of their rates upon request by interested parties since we have not imposed that requirement for other recent filings. See No. 38828, *Three Way Corporation, Petition for Exemption From Tariff Filing Requirements* (not printed), decided June 25, 1982.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of these carriers from the requirement that they file tariffs governing their future contract

² A proceeding to investigate exemption of contract carriers on an industry-wide basis has been instituted in Ex Parte No. MC-165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1982).

operations, is warranted.² The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for these carriers and their shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing these contract carriers to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant each petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be made final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: March 22, 1983.

By the Commission, Division 1,
Commissioners Gradison, Taylor, and
Sterrett. Chairman Taylor dissented in part.
He would issue a decision that would grant
the relief sought for existing contracts only.
Agatha L. Mergenovich,
Secretary.

Appendix

The dockets embraced by this proceeding are as follows:

| | |
|-----------|-------------------------------------|
| No. 39053 | American Colloid Carrier Corp. |
| No. 39054 | T.A.S. Trucking, Inc. |
| No. 39058 | American Fine Foods, Inc. |
| No. 39059 | Case Enterprises, Inc. |
| No. 39061 | M.F.I. Transports, Inc. |
| No. 39062 | Contract Transportation Systems Co. |
| No. 39063 | KSS Transportation Corp. |
| No. 39064 | East Coast Transportation, Inc. |

[FR Doc. 83-7964 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-12-M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers

² See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

¹ This proceeding embraces eight petitions for exemption filed by motor contract carriers, as set forth in the appendix.

of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the Federal Register on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to 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 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."

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-138

Decided: March 21, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 42183 (Sub-3), filed February 28, 1983. Applicant: SAFETY BUS SERVICE, 7200 Park Ave., Pennsauken, NJ 08109. Representative: Ronald I. Shapps, 450 Seventh Ave., New York, NY 10123, (212) 239-4610. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note: Applicant seeks to provide privately-funded charter and special transportation.

MC 166463, filed February 24, 1983. Applicant: KORF TRANSPORT CORP., 1227 Front St., P.O. Box 1276, Georgetown, SC 29440. Representative: Colin Barrett, 11764 Indian Ridge Rd., Reston, VA 22091 (703) 860-8521. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166522, filed February 23, 1983. Applicant: PARKHILLS' TOURS, INC., 612 South Neils St., Champaign, IL 61820. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd.,

Arlington, VA 22209, 703-522-0900. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e). In order to expedite issuance of any authority please submit a copy of the petition for exemption, the affidavit, or proof of filing the application(s) for common control to Team 2, Room 2379.

Note.—Applicant seeks to provide private-funded, charter and special transportation.

MC 166532, filed February 25, 1983. Applicant: WESTPOINT PEPPERELL BROKER SERVICE, A DIVISION OF WESTPOINT PEPPERELL, INC., P.O. Box 71, West Point, GA 31833. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036 202-457-1124. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-175

Decided: March 22, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166586, filed March 2, 1983. Applicant: CHARLES EDWARD LOGSDON, d.b.a., C.E.L. BROKERAGE COMPANY, 503 S. Pipeline, Euless, TX 76039. Representative: Wayland Little, 617 Medina Dr., Lewisville, TX 75067 (214) 436-8493. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166786, filed March 14, 1983. Applicant: WILLIAM R. JORDAN, 2316 S. Bonnyview, Redding, CA 96001. Representative: Earl N. Miles, 3704 Candlewood Dr. Bakersfield, CA 93306, (805) 872-1106. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166787, filed March 14, 1983. Applicant: DAYTON L. DOLLY, Rt. #1, Box 6, Flintstone, MD 21530. Representative: William L. Wilson, 100 South Liberty St., Cumberland, MD 21502, (301) 722-2515. Transporting *food*

and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-134

Decided: March 21, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 87079 (Sub-1), filed March 9, 1983. Applicant: EASTERN OREGON FAST FREIGHT, INC., 526 S E Division Pl, Portland, OR 97202. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., (503) 226-3755. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 135219 (Sub-1), filed March 8, 1983. Applicant: CHEROKEE BOYS CLUB, INC., P.O. Box 507, Acquoni Road, Cherokee, NC 28719. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St., NW, Washington DC 20004, (202) 737-1030. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 158898, filed March 9, 1983. Applicant: R. WALSH TRANSPORTATION LIMITED, P.O. Box 368, Haileyburg, Ontario, Canada P0J 1A0; Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854-5870. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166538 (Sub-1), filed March 11, 1983. Applicant: ACE EXPRESS TRANSPORTATION, P.O. Box 9380, Salt Lake City, UT 84109. Representative: Tim W. Anderson (same address as applicant), (801) 374-0331. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 166628, filed March 7, 1983. Applicant: EASTERN TRANSPORT, INC., 5625 Cote de Liesse, Montreal, Quebec, Canada H4M 1V2. Representative: Frank J. Weiner, 15 Court Sq., Boston, MA 02108, 617-742-3530. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166639, filed March 7, 1983. Applicant: INTER-COMMERCE ENTERPRISES, 11911 North Freeway, Suite 600, Houston, TX 77060. Representative: David W. Gray (same address as applicant), 713-999-4448. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166728, filed March 11, 1983. Applicant: ROBERT E. CHANEY, JUNE D. CHANEY, and MICHAEL W. CHANEY, dba. CHANEY & SON PRODUCE EXPRESS, 19161 S.E. Hwy 224, Clackamas, OR 97015. Representative: Robert Eugene Chaney (same address as applicant), (503) 658-2160. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166739, filed March 11, 1983. Applicant: WESTERN FRONTIER ADVENTURES, 1198 Stringham Ave., Salt Lake City UT 84106. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

Volume No. OP5-136

Decided: March 22, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 166649, filed March 7, 1983. Applicant: CARL W. CURTSINGER, Route 8, Harrodsburg, KY 40330. Representative: Herbert D. Liebman, 403 West Main St., P.O. Box 478, Frankfort, KY 40602, (1-502) 875-3493. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer*, and other soil conditioners, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166689, filed March 4, 1983. Applicant: ERIC JOHNSON, d.b.a. BAY

AREA SKI ASSOCIATION, P.O. Box 383, Alamo, CA 94507. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, 415-986-8696. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166749, filed March 11, 1983. Applicant: RICHARD C. HUBBARD, d.b.a. HUBBARD BUS SERVICE, Box 133, Rogers Ferry Rd., Meadville, PA 16335. Representative: Arthur J. Diskin, 302 Law & Finance Bldg., Pittsburgh, PA 15219, 412-281-9494. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166769, filed March 14, 1983. Applicant: DONALD L. DOLLY, Route #1, Box 2, Flintstone, MD 21530. Representative: William L. Wilson, 100 South Liberty Street, Cumberland, MD 21502, 301-722-2515. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

[FR Doc. 83-7903 Filed 3-28-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP5-128]

Motor Carriers; Permanent Authority Applications; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this Federal Register notice addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,
Secretary.

MC 154168 (Sub-1) (republication), filed September 8, 1982, published in the Federal Register issue of September 28, 1982, and republished this issue. Applicant: ARTHUR COLE, A. Cole. 81

Mission Street, Montclair, New Jersey 07934. Representative: Mr. George A. Olsen, P.O. Box 357, Glandstone, New Jersey 07934. An Order of the Commission, Review Board 3, decided January 18, 1983, and served January 26, 1983, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, in foreign commerce, over irregular routes, transporting *general commodities* (except Classes A and B explosives, household goods and commodities in bulk), between port cities in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, and Virginia, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Vermont, and West Virginia, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the applicant's actual grant of authority.

[FR Doc. 83-7960 Filed 3-25-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5-131]

Motor Carriers; Permanent Authority Decisions; Restriction Removals

Decided: March 22, 1983.

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 publication 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 with 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.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 5, at (202) 275-7289.

MC 57298 (Sub-13)X, filed March 11, 1983. Applicant: TRAILWAYS TEXAS, INC., 1500 Jackson St., Dallas, TX 75201. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655-7937. Sub 11 Certificate: authorize passenger carrier service at all intermediate points between San Antonio and Del Rio, TX.

[FR Doc. 83-7961 Filed 3-25-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 27]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by 49 CFR Part 1161 of the Commission's Rules of Practice which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

New York Docket No. T-9862, filed March 8, 1982. Applicant: W & M DELIVERIES, INC., 1024 Lackawanna Ave., Elmira, NY 14901. Representative: Raymond A. Richards, 35 Curtice Pk.,

Webster, NY 14580. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*: Between all points in Allegany, Broome, Chenango, Cortland, Livingston, Monroe, Ontario, Schuyler, Tioga, Tompkins and Yates Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-10154, filed March 8, 1983. Applicant: DOT LINES INC., P.O. Box 27, E. Syracuse, NY 13057. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*: Between all points in Cayuga, Monroe, Onondaga, Ontario, Seneca and Wayne Counties, on the one hand, and, on the other, between the aforementioned counties and Broome, Chenango, Chemung, Cortland, Jefferson, Livingston, Madison, Oneida, Oswego, Schuyler, Steuben, Tioga and Yates Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-3247, filed March 16, 1983. Applicant: HILTON-SPENCERPORT EXPRESS, INC., 16868 Kenmore Road, Kendall, NY 14476. Representative: Herbert M. Canter, Esq., and Benjamin D. Levine, Esq., 305 Montgomery St., Syracuse, NY 13202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities*, as defined in Section 800.1 of Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York: Between all points in Monroe and Orleans Counties, NY. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220

Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-10161, filed March 15, 1983. Applicant: GEBRE T. DEGEFU, d.b.a. DELTA COURIERS, 89-20 Francis Lewis Blvd., Queens Village, NY 11427. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities in messenger service*: Between New York City and the Counties of Nassau and Suffolk. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

[FR Doc. 83-7967 Filed 3-28-83; 8:45 am]

BILLING CODE 7025-01-M

[OP5-F 129; No. MC-F-15185]

Motor Carriers; Silver Eagle Industries—Continuance in Control Exemption—Silver Eagle Company and NPE, Inc., d.b.a. Nickle Plate Express

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*, 47 FR 53303 November 24, 1982), Silver Eagle Industries, seeks an exemption from the requirement under section 11343 of prior regulatory approval for their continuance in control of Silver Eagle Company (No. MC-32779), and NPE, Inc., d.b.a. Nickle Plate Express. (No. MC-166669).

DATES: Comments must be received within 30 days after the date of publication in the *Federal Register*.

ADDRESSES: Send comments to: (1) Motor Section, Team 5, Room 2414 Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's representative, Larry B. Draper, 700 N. Hayden Island Drive, Portland, OR 97217. Comments should refer to No. MC-F-15185.

FOR FURTHER INFORMATION CONTACT: Lois Thompson (202) 275-7289.

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 22, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Note.—NPE, Inc., d.b.a. Nickle Plate Express, has filed a directly-related application in No. MC-166669, published in this same issue.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-7958 Filed 3-28-83; 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 affective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.
Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 4 at 202-275-7669.

Volume OP4-FC-172

MC-FC-81253, filed February 23, 1983. By decision of March 22, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2, approved the transfer to AAA DELIVERY SYSTEMS, INC., of Flint, MI of Certificates No. MC-120906 (Sub-No. 9), issued August 20, 1974, and MC-120906 (Sub-No. 11)X, issued October 27, 1981, and the underling superseded authority in MC-120906 (Sub-Nos. 3 and 5), to SPECIAL SERVICE DELIVERY, INC., of Toledo, OH, authorizing the transportation of: in MC-120906 (Sub-No. 9), (1) cosmetics, laundry, toilet and home care preparations, stainless steel cookware, cutlery, and food supplements (except commodities in bulk), from the terminal facility of Special Service Delivery, Inc., of Toledo, OH, to points in Allen, Crawford, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot Counties, OH; and (2) returned shipments of the commodities specified in (1) above, from the above-named destinations to the above-named origin; in MC-120906 (Sub-No. 11)X which superseded MC-120906 (Sub-Nos. 3 and 5), general commodities (except classes A and B explosives), (A) between points in Lucas County, OH, on the one hand, and, on the other, points in Allen, Crawford, Defiance, Erie, Fulton, Hancock, Lucas, Hardin, Henry, Huron, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot Counties, OH, and (B) between points in Lucas County, OH, on the one hand, and, on the other, points in Branch, Calhoun, Clinton, Eaton, Genesee, Hillsdale, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Shiawassee, St. Clair, Washtenaw, and Wayne Counties, MI. Note: The authority in Sub-No. 11X can not be severed by sale or otherwise from the underling superseded authority in Sub-Nos. 3 and 5. An application for temporary authority has been filed. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649-6650.

Volume No. OP4-FC-177

MC-FC-81246. By decision of March 23, 1983 issued under 49 U.S.C. 10926

and the transfer rules at 49 C.F.R. 1181, Review Board Number 2 approved the transfer to Freedom TRANSPORT CORPORATION, West Frankfort, IL, of Certificates Nos. MC-143576 (Sub-No. 2F) and MC-143576 (Sub-No. 4F) issued February 8, 1980 and July 28, 1981, respectively, to DONALD ORR, doing business as DONALD ORR & SONS, West Frankfort, IL, authorizing the transportation of (1) coal, from West Frankfort, IL, to Cape Girardeau, Sikeston, New Madrid, MO, and (2) fertilizer, phosphate, nitrogen, potash, agricultural clays, aua, anhydrous ammonia, herbicides, insecticides, acid, and lime (a) between points in IL, on the one hand, and, on the other, points in IN, KY, MO, and KS, and (b) between points in IN and KY. Representative: Robert T. Lawley, attorney at Law, 300 Reisch Bldg., Springfield, IL 62701.

MC-FC-81298, filed March 10, 1983. By decision of March 22, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 2 approved the transfer to Arizona's Finest Transportation Company, Inc. doing business as A-One Mobile Home Movers, Phoenix, AZ, of Certificate Nos. MC-121437 Sub 4, issued January 4, 1978, and MC-121437 Sub 6, issued August 16, 1979, to Carroll E. Flynn doing business as A-1 Mobile Home Movers, Phoenix, AZ, authorizing the transportation of (1) trailers designed to be drawn by passenger automobiles (except travel trailers and camping trailers), in initial movements, from the facilities of National Homes, at Tempe, AZ, and from the facilities of Kaufman and Broad Home Systems, Inc., at Glendale, AZ, to points in Nevada and New Mexico, and in secondary movements, between the facilities of Modulaire Leasing Company, at Phoenix, AZ, on the one hand, and, on the other, points in Nevada and New Mexico, and (2) trailers designed to be drawn by passenger automobiles (except travel and camping trailers), and buildings, in sections, mounted on wheeled under-carriages, and equipped with hitchball connectors, in secondary movements, between points in Arizona, Nevada, New Mexico, Texas, California, Utah and Colorado, and in initial movements, from Murray and Brigham City, UT, to points in Arizona, Nevada and New Mexico. Representative: Lewis P. Ames, United Bank Tower, Suite 1302, 3300 N. Central Ave., Phoenix, AZ 85012, (602) 277-3288.

MC-FC 81299, filed March 10, 1983. By decision of March 22, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 2

approved the transfer to Hazen Petroleum, Inc., Ellwood City, PA, of Permit No. MC-151196, issued March 12, 1981, to Arthur F. Hazen & Son, Inc., Ellwood City, PA, authorizing the transportation of petroleum and petroleum products, in tank vehicles, from Harmony, Ellwood and Pittsburgh, PA, to points in Ohio, and from Noel, WV, to Harmony, Ellwood and Pittsburgh, PA, and points in Ohio, under continuing contract(s) with Mid-Penn Refining Co., of Harmony, PA. Representative: Charles W. Garbett, P.O. Box 512, Ellwood City, PA 16117, (412) 758-7581.

[FR Doc. 83-7962 Filed 3-28-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP 5-130]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: March 22, 1983.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under §§ 1160.40-1160.49. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems [e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems] we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed

and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically 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 protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

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 1, members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 166669, filed March 8, 1983. Applicant: NPE, INC., d.b.a. NICKLE PLATE EXPRESS, 700 N. Hayden Island Drive, Portland, OR 97217.

Representative: Larry B. Draper (same address as applicant) (503) 285-9831. Transporting *general commodities* (except household goods and commodities in bulk), between those points in the U.S. in and west of MT, WY, CO, and NM (except HI). Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

Note.—Applicant has filed a directly-related petition for continuance in control exemption in No. MC-F-15185, published in this same issue.

[FR Doc. 83-7959 Filed 3-28-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions

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 noted.

Please direct status inquiries to Team 2,
(202) 275-7030.

Volume No. OP2-135

Decided: March 17, 1983.

By the Commission, Review Board No. 1,
Members Parker, Chandler, and Fortier.

FF-672, filed February 18, 1983.
Applicant: MAYFLOWER FORWARDERS, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), 317-875-1142. As a *freight forwarder*, in connection with the transportation of *household goods, furniture, fixtures, unaccompanied baggage*, and used automobiles, between points in the U.S.

MC 682 (Sub-45), filed March 1, 1983. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, Esq., 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036-5391, (202) 887-5868. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Eads Moving Brokers, of Santa Ana, CA.

MC 15642 (Sub-18), filed February 25, 1983. Applicant: FOUR WINDS VAN LINES, INC., 4275 Campus Point Court, San Diego, CA 92121. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, 202-785-0024. Transporting *general commodities (except classes A and B explosives and commodities in bulk)*, between points in the U.S., under continuing contract(s) with System Industries of Milpitas, CA.

MC 39973 (Sub-11), filed March 3, 1983. Applicant: STANDARD TRUCKING COMPANY, 225 E. Sixteenth St., P.O. Box 30725, Charlotte, NC 28230. Representative: Harry J. Jordan, 1090 Vermont Ave., NW., Suite 200, Washington, DC 20005, (202) 783-8131. Transporting *general commodities (except classes A and B explosives, household goods, and commodities in bulk)*, between points in the U.S. (except AK and HI), under a continuing contract(s) with Nasco Supply Company, of Los Angeles, CA.

MC 52473 (Sub-18), filed March 3, 1983. Applicant: BEHNKE, INC., 77 So. Monroe St., Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482-2400. Transporting *general commodities (except household goods, classes A and B explosives, and commodities in bulk)*, between points in MI, IN, IL, OH, and WI.

MC 52793 (Sub-125), filed February 23, 1983. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312-547-2184. Transporting *electronic and computerized business machines*, between points in the U.S. (except AK

and HI), under continuing contract(s) with Illinois Wholesale Cash Register of Barrington, IL.

MC 52793(Sub-126), filed February 23, 1983. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312-547-2184. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with American Hospital Supply Division, of McGaw Park, IL.

MC 107012 (Sub-806), filed March 1, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant), (219) 429-2234. Transporting *general commodities*, (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S., under continuing contract(s) with Scott Paper Company, of Philadelphia, PA.

MC 107012 (Sub-807), filed March 1, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Monsanto Company, of St. Louis, MO.

MC 107012 (Sub-808), filed March 1, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Hughes Aircraft Company, of El Segundo, CA.

MC 13733 (Sub-7), filed February 25, 1983. Applicant: LETCO BULK CARRIERS, INC., 1751 Fuhrman Blvd., Buffalo, NY 14203. Representative: William J. Hirsch, 64 Niagara St., Buffalo, NY 14202, (716) 853-0200. Transporting *coal and coke*, between the ports of entry on the International Boundary line between the U.S. and Canada, located in NY, on the one hand, and, on the other, points in OH and PA. Condition: the person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e) to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) or petition for exemption

for common control to Team 2, Room 2379.

MC 143732 (Sub-4), filed February 18, 1983. Applicant: PICK-A-TREAT, INC., 3820 West Wisconsin Ave., Milwaukee, WI 53208. Representative: Lawrence P. Kahn, 633 West Wisconsin Ave.—Suite 1703, Milwaukee, WI 53203, 414-276-2260. Transporting *food and related products*, between points in IA, IL, MI, MN, and WI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e). In order to expedite issuance of any authority please submit a copy of the petition for exemption, the affidavit, or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 143753 (Sub-2), filed February 18, 1983. Applicant: BOLES & FRANKLIN INCORPORATED, 45 Barnardville Hwy, Weaverville, NC 28787. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, 803-244-9314. Transporting *coal and coal products*, between points in AL, KY, TN, VA, and WV, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, MI, MS, NC, OH, SC, TN, VA, and WV.

MC 144323 (Sub-11), filed February 23, 1983. Applicant: RICHARD P. CHARAPATA, d.b.a. CHARAPATA TRUCKING, N 30 W26466 Peterson Dr., Pewaukee, WI 53072. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, 414-273-7410. Transporting (1) *food and related products*, between points in Dade County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Chicago, IL, points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146723 (Sub-10), filed February 17, 1983. Applicant: J.C. BANGERTER & SONS, INC., 695 N. Angel St., Layton, UT 84041. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108, 801-581-0322. Transporting *paper and paper products*, between points in the U.S. (except AK and HI).

MC 147862 (Sub-8), filed February 24, 1983. Applicant: KMC TRANSPORT, INC., P.O. Box 962, Caldwell, ID 83605. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402-475-6761. Transporting *general commodities* (except classes A and B explosives,

household goods, and commodities in bulk), between points in ID, WA, OR, UT, and CA, on the one hand, and, on the other, those points in the U.S. in and west of MT, WY, CO, and NM (except AK and HI).

MC 155733 (Sub-2), filed February 15, 1983. Applicant: TRAIL BLASERS, INC., 7990 Overland Rd., Boise, ID 83709. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208-343-3071. Transporting (1) *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and west of WI, IL, MO, AR and LA (except AK and HI), and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S.

Note.—Part (2) is published in the Federal Register, this issue, with "fitness applications".

MC 159422 (Sub-1), filed February 25, 1983. Applicant: EDWARD J. MEYERS COMPANY, 7665 Lawndale Ave., Summit, IL 60501. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, 312-298-1094. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI).

MC 166263, Filed February 24, 1983. Applicant: THEODORE GRIFFIN, INC., Route 3, Box 308, Old Peachland Rd., Marshville, NC 28103. Representative: Teddy Griffin, Route 3, Box 307-1B, Marshville, NC 28103, 704-624-5114. Transporting *clay, concrete, glass and stone products*, between points in NC and SC.

MC 166282, filed February 15, 1983. Applicant: BROKER TRUCKING, INC., 2 Milk St., Nashua NH 03060. Representative: Charles R. Reilly, 391 Davisville Rd., North Kingstown, RI 02852, 401-884-0969. Transporting *textile mill products*, between points in Bristol County, MA, Carroll, Gordon and Whitfield Counties, GA, and Northampton County, PA.

MC 166292, Filed February 15, 1983. Applicant: EASY WAY TRUCKING, INC., 202 North 2nd Ave., Yakima, WA 98902. Representative: Marvin A. Wagner (same address as applicant), 509-248-6270. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC 166352, filed February 18, 1983. Applicant: ROBERT BATEMAN, Rte. 2,

Box 127, Marionville, MO 65705. Representative: Robert Bateman (same address as applicant), 417-463-2797. Transporting (1) *fertilizer* (a) between Muskogee and Tulsa, OK, on the one hand, and, on the other, points in Benton, Boone, and Carroll Counties, AR, and Barton, Barry, Cedar, Christian, Dade, Dallas, Greene, Jasper, Lawrence, McDonald, Newton, Polk, St. Clair, Stone, Taney, Vernon, and Webster Counties, MO, and (b) between points in Greene and Lawrence Counties, MO, on the one hand, and, on the other, points in Benton, Boone, and Carroll Counties, AR, (2) *agricultural lime and limestone*, between points in Christian and Greene Counties, MO, on the one hand and, on the other, points in Benton, Boone, and Carroll Counties, AR, (2) *agricultural lime and limestone*, between points in Christian and Greene Counties, MO, on the one hand, and, on the other, points in Mayes, Muskogee, Rogers, Tulsa, and Wagoner Counties, OK, and (3) *sand*, between points in Wagoner County, OK, on the one hand, and, on the other, points in Barton, Barry, Cedar, Christian, Dade, Dallas, Greene, Jasper, Lawrence, McDonald, Newton, Polk, St. Clair, Stone, Taney, Vernon, and Webster Counties, MO.

MC 166453, filed February 28, 1983. Applicant: O. J. VOYLES, d.b.a. VOYLES TRANSPORTATION COMPANY, P.O. Box 545, Vernal, UT 84087. Representative: Richard S. Mandelson, 1600 Lincoln Center 1600 Lincoln St., Denver, CO 80264, 303-861-4028. Transporting (1) *Mercer commodities*, (2) *machinery*, and (3) *those commodities which because of their size and weight require the use of special handling or equipment*, between points in AZ, CA, CO, ID, KS, MT, NE, NM, NV, OK, OR, SD, TX, UT, VA, and WY.

MC 166462, filed February 28, 1983. Applicant: LEMKE BROS. TRUCKING, INC., 4600 W. Giles Rd. North Muskegon, MI 49445. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So. Second St., Elkhart, IN 46516, (219) 293-3597. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Minnesota Fabrics Inc., of Charlotte, NC.

MC 166472, filed February 25, 1983. Applicant: MIDWESTERN TRANSPORT, INC., 5300 So. Lawndale, McCook, IL 60525. Representative: Irwin Rozner, 134 No. LaSalle, Chicago, IL 60602, (312) 782-6937. Transporting *general commodities* (except classes A

and B explosives, commodities in bulk, and household goods), between points in IL, on the one hand, and, on the other, points in WI, MI, MN, AR, MO, KS, IA, OH, KY, TN, IN, WV, NE, PA, MD, NY, NJ, ND, SD, SC, NC, GA, FL, LA, AL, MS, TX, MA, and CT.

Volume No. OP2-137

Decided: March 21, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 134303 (Sub-6), filed February 28, 1983. Applicant: O'HARE WISCONSIN LIMOUSINE SERVICE, INC., 530 So. Michigan Ave., Chicago, IL 60605. Representative: Allan C. Zuckerman, 221 No. LaSalle St., Suite 826, Chicago, IL 60601, (312) 641-5900. Over regular routes, transporting *passengers*, in intrastate, interstate or foreign commerce, (1) between Crown Point, IN, and DeKalb, IL: from Crown Point, IN, over U.S. Hwy 231 to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Elgin, IL, then over IL Hwy 31 to junction IL Hwy 38, then over IL Hwy 38 to DeKalb, IL, and return serving all intermediate points, and the off-route point of O'Hare International Airport, at or near Chicago, IL; (2) between Kenosha, WI, and O'Hare International Airport, at or near Chicago, IL: (a) from Kenosha, WI, over WI Hwy 50 to junction WI Hwy 50 and U.S. Hwy 41, then over U.S. Hwy 41 to junction Willow Road, then over Willow Road to junction Interstate Hwy 294, then over Interstate Hwy 294 to O'Hare International Airport, at or near Chicago, IL, and return serving all intermediate points, and the off-route point of Great Lakes Naval Training Station, at or near Fort Sheridan, IL; (b) from Kenosha, WI, over WI Hwy 31 to junction WI Hwy 31 and IL Hwy 131, then over IL Hwy 131 to junction IL Hwy 131 and Willow Road, then over Willow Road to junction Willow Road and Interstate Hwy 294, then over Interstate Hwy 294 to O'Hare International Airport, at or near Chicago, IL, and return, serving all intermediate points, and the off-route point of Great Lakes Naval Training Station, at or near Fort Sheridan, IL.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B).

MC 139973 (Sub-103), filed February 28, 1983. Applicant: J. H. WARE TRUCKING, INC., 909 Brown St., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309,

515-244-2329. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 144982 (Sub-25), filed March 7, 1983. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, 817-457-0804. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146183 (Sub-2), filed March 7, 1983. Applicant: NORTH STATE TRANSIT, INC., P.O. Box 40, Troy Grove, IL 61372. Representative: Edward D. McNamara, Jr., 907 South Fourth St., P.O. Box 5039, Springfield, IL 62705, 217-528-84-76. Transporting (1) *bulk commodities*, between points in IL, WI, IN, IA, MO, MN and KY; (2) *sand*, between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WV, and WI.

MC 146853 (Sub-19), filed March 7, 1983. Applicant: HAWKEYE WOODSHAVINGS, INC., Route 1, Runnells, IA 50307. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515-244-2329. Transporting *plastic products and such commodities as are dealt in or used in the manufacture and distribution of plastic products*, between Chicago, IL and Indianapolis and South Bend, IN, on the one hand, and, on the other, points in Polk County, IA.

MC 147242 (Sub-18), filed February 28, 1983. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12-90 Plaza Rd., Fair Lawn, NJ 07410. Representative: Arthur Liberstein, 888 Seventh Ave., New York NY 10106, 212-757-8025. Transporting *general commodities* (except commodities in bulk, classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 151633 (Sub-2), filed February 25, 1983. Applicant: EASTERN FREIGHT FORWARDERS, INC., 1750 Australian Ave., P.O. Box 9728, Riviera Beach, FL 33404. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW, Washington, DC 20036, 202-223-5900. Transporting *general commodities* (except classes A and B explosives and commodities in bulk) (1) between points in FL, (2) between points in FL, on the one hand, and, on the other, points in

the U.S. (except AK and HI), and (3) between points in the U.S. (except AK and HI), on the one hand, and, on the other, Portland, ME, Portsmouth, NH, Boston, MA, Providence, RI, New York, NY, Camden, Elizabeth, and Newark, NJ, Philadelphia, PA, Wilmington, DE, Baltimore, MD, Norfolk and Newport News, VA, Wilmington, NC, Charleston, SC, Savannah, GA, Pensacola, Tampa, Ft. Lauderdale, West Palm Beach, Miami, and Jacksonville, FL, Mobile, AL, Biloxi and Gulfport, MS, New Orleans, LA, Corpus Christi, Galveston, and Houston, TX, points in Essex and Bristol Counties, MA and Kent County, RI.

MC 151823 (Sub-2), filed March 7, 1983. Applicant: PETER C. POKORSKI, d.b.a. PETE'S TRUCKING, 3533 South 10th St., Manitowoc, WI 54220. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703, 608-255-8891. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of malt beverages, between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 154463 (Sub-1), filed March 7, 1983. Applicant: CARPET CARRIERS INC., d.b.a. VIKING FREIGHT SERVICE, 9144 King Arthur Dr., Dallas, TX 75247. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AR, AZ, CA, CO, FL, GA, IL, IN, KS, KY, LA, MO, MS, NC, NM, NV, OH, OK, SC, TN, TX and UT.

MC 154883 (Sub-2), filed February 23, 1983. Applicant: LOGGINS TRUCKING COMPANY, 2819 University Blvd., P.O. Box 6676, Tyler, TX 75711. Representative: Larry Loggins (same address as applicant), 214-566-2030. Transporting (1) *food and related products*, between points in the U.S., under continuing contract(s) with (a) Columbo Inc., of Methuen, MA (b) Goldshield Foods, of Montgomery, NY, (c) Meadow Gold Products, Inc., of Alexandria, VA, and (d) Vesel Food Distributors, Inc., of Dallas TX; and (2) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Baker Reels Inc., of Jefferson, TX.

MC 155143 (Sub-2), filed March 7, 1983. Applicant: NEW DIXIE TRANSPORTATION CORP., P.O. Box 112, Providence Forge, VA 23140. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, 804-282-3809. Transporting (1) *chemicals and related products*, (2) *pulp, paper and related products*, (3) *rubber*

and plastic products, (4) *textile mill products*, and (5) *waste or scrap materials*, between points in the U.S. (except AK and HI).

MC 158742 (Sub-1), filed February 28, 1983. Applicant: COLUMBIAN EXPRESS CO., INC., P.O. Box 123, Reading, PA 19603. Representative: John C. Fudesco, 1333 New Hampshire Ave. NW., Suite 960, Washington, DC 20036, 202-659-8714. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of hardware, between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 159203 (Sub-1), filed February 25, 1983. Applicant: ARGOSY TRUCKING, LTD., 260 Inglenook, Winnipeg, Manitoba, Canada. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612-333-1341. Transporting *lumber, wood products, paper and paper products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Boise Cascade Corporation, of Portland, OR and its subsidiary, Boise Cascade Canada, Ltd., of Kenora, Ontario, Canada.

MC 160292 (Sub-1), filed February 18, 1983. Applicant: ONE WAY FREIGHT SYSTEMS, INC., 2501 Southeast 15th, Oklahoma City, OK 73126. Representative: Wayland Little, 617 Medina Dr., Lewisville, TX 75067, (214) 436-8493. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Dallas, Fort Worth, and Houston, TX, on the one hand, and, on the other, points in OK.

MC 160942 (Sub-2), filed January 31, 1983. Applicant: DESTINY PARCEL SERVICE, INC., 525 Friendly Rd., Pontiac, MI 48053. Representative: Eugene C. Ewald, 100 W. Long Lake Rd., Ste. 102, Bloomfield Hills, MI 48013, 313-645-9600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Pittsburgh, PA, Louisville, KY, points in PA on and west of a line beginning at Erie, PA and extending over Interstate Hwy 79 to the PA-WV state line, then those in WV on and west of a line beginning at the PA-WV state line and extending over Interstate Hwy 79 to Charleston, WV and then over Interstate Hwy 64 to the WV-OH state line, and those in KY on and north of Interstate Hwy. 64.

MC 162193 (Sub-2), Filed February 7, 1983. Applicant: DICK'S TRANSPORT, 2012 S. 146th St., Seattle, WA 98168.

Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421, (206) 383-3998. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Fritz Companies, Inc. of San Francisco, CA, its subsidiaries and its divisions, Arthur J. Fritz & Co., Fritz Air Freight, Fritz Companies International, Fritz Drawback Division, Fritz Freight Forwarding, Fritz International Insurance Brokers, Fritz Information Services, Fritz Maritime Agencies, Fritz Transportation International, and Stewart Drayage Lines.

MC 163953, filed February 25, 1983. Applicant: 248356 LEASING INCORPORATED, 108 Annabelle St., Hamilton, Ontario, CD 19C 3T6. Representative: William J. Hirsch, 64 Niagara St., Buffalo, NY 14202, 716-853-0200. Transporting (1) *lumber and wood products*, between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KY, ME, MA, MD, MI, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, and WI; and (2) *ores and minerals*, between ports of entry on the international boundary line, between the U.S. and Canada, on the one hand, and, on the other, points in IN.

MC 164032, filed March 1, 1983. Applicant: MAERSK CONTAINER SERVICE COMPANY, INC., 230 Tyler St., Port Newark, NJ 071114. Representative: William J. Augello, 120 Main St., Huntington, NY 11743, 516-427-0100. Transporting *general commodities* (except class A and B explosives), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 164972, filed March 1, 1983. Applicant: COMMERCIAL HAULING CO., INC., P.O. Box 10061, Birmingham, AL 35202. Representative: Donald B. Sweeney, Jr., P.O. Box 2366, Birmingham, AL 35201, 205-254-3880. Transporting (1) *building materials, equipment and supplies*, (2) *metal products*, (3) *coal, petroleum and coal products*, (4) *chemicals and related products*, (5) *machinery*, and (6) *waste and scrap materials*, between those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 165002 (Sub-1), filed February 28, 1983. Applicant: KNIGHT LINES, INC., P.O. Box 896, Moon Township, Pittsburgh, PA 15108. Representative: Barry Weintraub, Suite 403, 7700

Leesburg Pike, Falls Church, VA 22043, 703-442-8330. (1) Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Forbes Steel and Wire Corporation, of Canonsburg, PA, and (b) Trumbull Metal Services, Inc., of Newton Falls, OH; and (2) *metal products and machinery*, between points in the U.S. (except AK and HI), under continuing contract(s) with Copperweld Corporation and its affiliates and subsidiaries, of Pittsburgh, PA.

MC 166113, filed February 7, 1983. Applicant: EASTERN SHORE WAREHOUSING, INC., 200 Dulany Ave., P.O. Box 99, Fruitland, MD 21826. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW, Washington, DC 20005, (202) 296-3555. Transporting *general commodities*, (except classes A and B explosives, household goods and commodities in bulk), between Baltimore, MD, Washington, DC, and points in VA, on the one hand, and, on the other, points in MD and DE on and south of the Chesapeake and Delaware Canal and east of the Chesapeake Bay.

MC 166332, filed February 18, 1983. Applicant: STEVE ANDREW BLASI, d.b.a. STEVE BLASI TRUCKING, 1133 Nickerson, Trinidad, CO 81082. Representative: Steve Andrew Blasi (same address as applicant), (303) 846-2798. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Las Animas County, CO, on the one hand, and, on the other, points in WA, OR, ID, MT, NM, KS, OK, CO, and TX.

MC 166503, filed March 1, 1983. Applicant: TOURMALINE, INC., 180 N. Michigan Ave., Chicago, IL 60601. Representative: Daniel C. Sullivan (Same address as applicant), 312-263-1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with All States Shippers Association, of Chicago, IL.

MC 166533, filed February 25, 1983. Applicant: J. CARBAUGH TRUCKING, INC., d.b.a. J. C. TRUCKING, INC., 500 Richards Blvd., Sacramento, CA 95814. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, 415-986-8696. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between those points in CA north of San Luis Obispo, Kern, and San Bernardino Counties, CA.

MC 166573, filed March 1, 1983. Applicant: PRIME, LTD., 2753 116th Ave., Allegan, MI 49010. Representative: Larry J. Prime (same address as

applicant), 616-673-6753. Transporting *breeding, race, and show horses*, between points in MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-95

Decided: March 16, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2900 (Sub-465), filed February 28, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant), (904) 353-3111. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with International Telephone & Telegraph Corporation, and its subsidiaries, of New York, NY.

MC 52861 (Sub-95), filed March 7, 1983. Applicant: WILLS TRUCKING, INC., 3185 Columbia Road, Richfield, OH 44286. Representative: James W. Moore (same address as applicant), (216) 659-9381. Transporting *commodities in bulk and metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with The International Metals Recycling Company, of Elwood City, PA.

MC 65781 (Sub-14), filed March 7, 1983. Applicant: BARRETT MOVING & STORAGE COMPANY, 7100 Washington Avenue South, Eden Prairie, MN 55344. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Honeywell, Inc., of Minneapolis, MN.

MC 94201 (Sub-205), filed February 23, 1983. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Gerald D. Colvin, Jr., 601-09 Frank Nelson Bldg., Birmingham, AL 35203-3668, (205) 251-2881. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with James River Corporation, of Richmond, VA, and Fritz Companies, Inc., of San Francisco, CA.

MC 106451 (Sub-25), filed February 28, 1983. Applicant: COOK MOTOR LINES, INC., 1016 Triplett Blvd., P.O. Box 370,

Akron, OH 44309. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 109490 (Sub-30), filed March 7, 1983. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Eagle, WI 53962. Representative: Ronald E. Laitsch, 108 S. Second St., Watertown, WI 53094, (414) 261-9725. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 109780 (Sub-82B), filed March 2, 1983. Applicant: TRAILWAYS, INC., 1500 Jackson St., Dallas, TX 75201. Representative: G. W. Hanthorn (same address as applicant), (214) 655-7937. Over regular routes, transporting *passengers*, (1) between Cairo, IL, and Chicago, IL, over Interstate Hwy 57, (2) between Dallas, TX, and Fort Worth, TX, over Interstate Hwy 30, and (3) between Kansas City, MO, and Denver, CO, over Interstate Hwy 70, serving all intermediate points in (1)-(3) above. NOTE: Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B). Applicant has also filed for authority under the fitness procedures docketed MC-109780 Sub 82A, published in this same Federal Register issue.

MC 117940 (Sub-376), Filed March 7, 1983. Applicant: NATIONWIDE CARRIERS, INC., P.O. BOX 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359, (612) 479-1984. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Pillsbury Company, of Minneapolis, MN.

MC 117940 (Sub-377), filed March 7, 1983. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan Timmerman, 5300 Highway 12, Maple Plain, MN 55359, (612) 479-1984. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Gillette Company, of Andover, MA.

MC 150440 (Sub-7), filed February 25, 1983. Applicant: UNIVERSAL EXPRESS, LTD., 3820 University, West Des Moines, IA 50265. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Iowa, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150511 (Sub-6), filed March 8, 1983. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566-5639. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Sealy of Maryland and Virginia, Inc., of Baltimore, MD.

MC 152650 (Sub-6), filed February 22, 1983. Applicant: SHAVER TRUCKING, INC., 3600 Highway #68 West, P.O. Box 104, Springvale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI).

MC 158221 (Sub-2), filed March 9, 1983. Applicant: CARNACO TRANSPORT, INC., 5045 Wilshire Blvd., Los Angeles, CA 90036. Representative: William H. Borghesani, Jr., 1150 17th St., NW., Suite 1000, Washington, DC 20036 (202) 457-1122. Transporting (1) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), and (2) *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) in (1) above with Ralston Purina Company, of St. Louis, MO, and Trinity Paper and Plastics Corporation, of New York, NY, and in (2) above with Great Western Chemical Company of Portland, OR.

MC 162500 (Sub-1), filed February 24, 1983. Applicant: L.R.C. TRUCK LINE, INC., State Highway #9, Richburg, SC 29729. Representative: William H. Borghesani, Jr., 1150 17th St., NW., Washington, DC 20036, (202) 457-1122. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 162950 (Sub-2), filed February 24, 1983. Applicant: QUALITY MOVING & STORAGE, INC., P.O. Box 830, Kenner, LA 70062. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW.,

Suite 300, Washington, DC 20006. Transporting *household goods and furniture and fixtures*, between points in the U.S. (except AK, HI and MT). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 1, Room 2379.

MC 166380, filed March 7, 1983. Applicant: RICHARD K. KING, INC., Rt. 1, Box 72B, Wytheville, VA 24382. Representative: Richard K. King (same address as applicant), (703) 228-2826. Transporting *metal products and machinery*, between points in Wythe, Pulaski and Bland Counties, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166481, filed March 3, 1983. Applicant: COEUR D'ALENE DELIVERY SERVICE, N. 860 Kings Court, Post Falls, ID 83854. Representative: Robert A. Ballard, (same address as applicant), (1-208) 773-0148. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Kootenai and Bonner Counties, ID, and Spokane County, WA.

MC 166651, filed March 8, 1983. Applicant: T. PAUL BEASLEY TRUCKING, INC., P.O. Box 877, 704 North Fayetteville Ave., Dunn, NC 28334. Representative: Tony P. Beasley, (same address as applicant) (919) 892-7178. Transporting *food and related products*, between points in Harnett County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP1-97

Decided: March 18, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2900 (Sub-467), filed March 10, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr., (same address as applicant) (904) 353-3111. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Newman's Inc., of Tulsa, OK.

MC 111231 (Sub-371), filed March 11, 1983. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same address as applicant) (501) 751-4806. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Emerson Electric Company, of St. Louis, MO.

MC 111871 (Sub-12), filed March 14, 1983. Applicant: SOUTHEASTERN FRIEIGHT LINES, P.O. Box 1691, Columbia, SC 29202. Representative: Donald E. Cross, 918 16th St., NW., Washington, DC 20006, (202) 785-3700. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 134730 (Sub-35), filed March 15, 1983. Applicant: METALS TRANSPORT, INC., 528 South 108th St., West Allis, WI 53214. Representative: M. H. Dawes (same address as applicant), (414) 258-9998. Transporting (1) *metal products*, (2) *machinery*, and (3) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Rexnord, Inc., and its subsidiaries, of Milwaukee, WI.

MC 140300 (Sub-4), filed March 15, 1983. Applicant: PHILLIPS FEED SERVICE, INC., 7642 Beth Bath Pike, Bath, PA 18014. Representative: LaVern R. Phillips (same address as applicant), (215) 837-6061. Transporting *such commodities* as are dealt in or used by food business houses, between points in CT, DE, IL, IN, KY, ME, MA, MD, NH, NJ, NV, OH, PA, RI, VT, VA, WV, and DC.

MC 141511 (Sub-8), filed March 1, 1983. Applicant: ROBERT W. RETTIG, d.b.a. PROTEIN EXPRESS, Route 2, Hartford, WI 53027. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 142810 (Sub-11), filed March 14, 1983. Applicant: LEWIS TRANSPORT, INC., P.O. Box 385, Municipal Bldg., Columbia, KY 42728. Representative: Rudy Yessin, P.O. Drawer B, Frankfort, KY 40602, (502) 227-7326. Transporting (1) *jet fuel*, (a) between points in Jefferson County, KY, on the one hand, and, on the other, those points in IN on and south of Interstate Hwy 40, and (b) between points in Clark County, IN, on

the one hand, and, on the other, points in KY, (2) *mineral spirits*, between points in Jefferson County, KY, on the one hand, and, on the other, points in TN, WV, IN and OH, and (3) *gasoline, diesel and kerosene*, between points in Floyd County, IN, on the one hand, and, on the other, points in KY.

MC 145981 (Sub-38), filed March 1, 1983. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 148641 (Sub-1), filed March 15, 1983. Applicant: GEORGE WILLIAM NEAL, Star Route, Corner, MT 59827. Representative: William E. Seliski, 2 Commerce, P.O. Box 8255, Missoula, MT 59807, (406) 543-8369. Transporting *such commodities* as are dealt in or used by lumber yards, between points in WI, OR, CA, ID and MT, on the one hand, and, on the other, those points in the U.S. in and west of WI, IL, MO, AR and TX (except AK and HI).

MC 151790 (Sub-1), filed March 4, 1983. Applicant: FLEXIBLE FLYER TRANSIT CO., INC., 2010 S. Beltline Blvd., Columbia, SC 29201. Representative: Timothy C. Ross (same address as applicant), (803) 799-7190. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Anchor Continental, Inc., of Columbia, SC.

MC 154781 (Sub-1), filed March 11, 1983. Applicant: K & K WAREHOUSE CO., INC., 2704 Hodge Rd., Knoxville, TN 37921. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402, (615) 756-3620. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk) between points in the U.S. (except AK and HI).

MC 163710 (Sub-4), filed March 15, 1983. Applicant: WESTERN LIQUID TRANSPORT, 2120 Harbor Street, Pittsburg, CA 94565. Representative: Eldon J. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108, (415) 986-8696. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI), under continuing contract(s) with Van Waters & Rogers, a division of UNIVAR Corp., of San Mateo, CA.

MC 165030, filed March 14, 1983. Applicant: LOBOSCO TRADING COMPANY, INC., 121 McBride Ave.,

Paterson, NJ 07501. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *paper and plastic products, textile mill products and foodstuffs*, between New York, NY, on the one hand, and, on the other, points in CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV and DC.

MC 165990 (republication), filed January 31, 1983, previously noticed in the Federal Register issue of March 3, 1983. Applicant: LEE BRUMFIELD, d.b.a. SOUTHERN IDAHO SUPPLY, Rt. 7, Box 197, Blackfoot, ID 83221. Representative: Kevin M. Clark, 2417 Bank Dr., Ste. 8 Boise, ID 83705, (208) 344-7714. Transporting (1) (a) *building materials*, (b) *construction supplies*, (c) *fertilizers*, and (d) *chemicals*, between points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY, and (2) *coal*, between points in ID, MT, NV, OR, and UT.

Note.—The purpose of this republication is to include MT in the territorial description in part (2) above.

MC 166701, filed March 10, 1983. Applicant: BMH TRANSPORT, INC., 1179 Roosevelt Ave., Carteret, NJ 07008. Representative: George A. Olsen P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166730, filed March 11, 1983. Applicant: W. LARRY SUIHKONEN, d.b.a. S & S ENTERPRISES 1224 Cedar Lane, Virginia, MN 55792. Representative: Robert S. Lee 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *petroleum products*, between points in Douglas County, WI on the one hand, and, on the other, points in Cook, Lake, St. Louis, Koochichin and Itasca Counties, MN.

MC 166731, filed March 11, 1983. Applicant: JERRY R. CROXEN TRUCKING, INC., 9725 Edmunson Dr., SE, Salem, OR 97301. Representative: John A. Anderson, Suite 801, The 1515 Bldg., 1515 SW Fifth Ave., Portland, OR 97201, (503) 227-4586. Transporting *general commodities* (except Classes A and B explosives, household goods and commodities in bulk), between points in OR, WA, CA, ID and NV.

MC 166740, filed March 11, 1983. Applicant: NORTHERN AIR FREIGHT, INC., 16400 Southcenter Pkwy., Suite 500, Seattle, WA 98188. Representative: C. R. Nelson, P.O. Box 68728, Seattle, WA 98168, (206) 575-3360. Transporting *general commodities* (except classes A

and B explosives and household goods), between points in the U.S.

MC 166760, filed March 11, 1983. Applicant: BEHLING'S TRANSFER, LTD., 623 East Cook St., Portage, WI 53901. Representative: Steven J. Kalish, Suite 1105, 1750 Pennsylvania Avenue, NW., Washington, DC 20006, (202) 393-5710. Transporting *household goods*, between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, DC, VA, WV, OH, KY, TN, NC, SC, GA, MI, IN, IL, MO, IA, WI, MN, KS, and NE.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-173

Decided: March 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 115716 (Sub-36), filed March 1, 1983. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, 3650 Chestnut Place, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203, (303) 837-5353. Transporting *general commodities* (except classes A and B explosives), between points in AR, AZ, CA, CO, ID, IA, IL, IN, KS, KY, MI, MN, MO, MT, NE, NV, NM, OH, OK, OR, SD, TN, TX, UT, WA, WI, and WY.

Volume No. OP4-174

Decided: March 22, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 118457 (Sub-39), filed March 14, 1983. Applicant: BADGER FREIGHT SERVICE, INC., 11139 W. Becher St., West Allis, WI 53227. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927-8855. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

[FR Doc. 83-7968 Filed 3-29-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30126]

Rail Carriers; Seaboard System Railroad, Inc.—Abandonment Exemption—Lake County, FL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903 *et seq.* the abandonment by Seaboard System Railroad, Inc., of 9.23 miles of railroad extending from milepost ST-773.71 near

Leesburg, FL, to milepost ST-782.94 near Tavares, FL.

DATES: This exemption will be effective on April 28, 1983. Petitions to stay the effectiveness of this decision must be filed by April 8, 1983, and petitions for reconsideration must be filed by April 18, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Charles M. Rosenberger, Seaboard System Railroad, Inc., 500 Water Street, Jacksonville, FL 32202.
Pleadings should refer to Finance Docket No. 30128.

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

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact:

T.S. InfoSystems, Inc., Room 2227, c/o Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423
or telephone:

(202) 289-4357 (D.C. Metropolitan area)
(800) 424-5403 (toll free—outside the D.C. area).

Decided: March 21, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-7965 Filed 3-28-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs, Seaboard System Railroad, Inc., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the *Federal Register*.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

| Sub-No. | Name of railroad, contract No., and specifics | Review Board ¹ | Decided date |
|---------|--|---------------------------|--------------|
| 872 | Seaboard System Railroad, Inc., ICC-SBD-C-0034, (Chemicals) | 2 | 3-18-83 |
| 873 | Seaboard System Railroad, Inc., ICC-SBD-C-0043, (Iron or steel pipe) | 3 | 3-18-83 |

¹ Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-7799 Filed 3-28-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

National Advisory Committee; Meeting

The twenty-sixth quarterly meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention will be held in Detroit, Michigan on April 25, and 26, 1983.

The meeting will be held in the Versailles Ballroom East at the Hotel Pontchartrain, Two Washington Boulevard, Detroit, beginning at 9:00 a.m. April 25 and concluding no later than 3:00 p.m. April 26. Members of the public are welcome to attend.

Agenda items will include: reauthorization of the Juvenile Justice and Delinquency Prevention Act; the FY 83 program plan for the Office of Juvenile Justice and Delinquency Prevention; and presentations by Michigan juvenile justice projects.

Further information regarding this meeting may be obtained by contacting Nancy L. Smith, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, D.C. 20531, (202) 724-7655.

Dated: March 21, 1983.

Approved:

Alfred S. Regnery,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 83-7952 Filed 3-28-83; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period March 14, 1983-March 18, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,636; De Santis Dress O., Vineland, NJ

TA-W-13,438; Avondale Mills, Union Springs, AL

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did

not contribute importantly to workers separations at the firm.

TA-W-13,915; ASARCO, Inc., East Helena, MT

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-13,914; Amherst Coal Co., Amherst #4-H Mine, Accoville, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-14,009; Amherst Coal Co., Paragon #1 Mine, Lundale, WV

Aggregate U.S. imports of metallurgical coal are negligible.

Affirmative Determinations

TA-W-13,660; Lafayette Footwear Corp., New York, NY

A certification was issued in response to a petition received on July 16, 1982 covering all workers separated on or after September 1, 1981.

TA-W-13,347; Kimberly-Clark Corp., Schweitzer Co., Lee, MA

A certification was issued in response to a petition received on February 26, 1982 covering all workers separated on or after June 19, 1981 and before April 10, 1982.

I hereby certify that the aforementioned determinations were issued during the period March 14, 1983-March 18, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Glenn Zech,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-8053 Filed 3-29-83; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of South Carolina

This notice announces the ending of the Extended Benefit Period in the State of South Carolina, effective on March 19, 1983.

Background

The Federal-State Extended Unemployment Benefit Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high

unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of South Carolina on January 10, 1982 and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State for the period consisting of the week ending on February 26, 1983, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending on March 19, 1983.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on March 22, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-8054 Filed 3-28-83; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

March 24, 1983.

Pursuant to Section 10(a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Wednesday and Thursday, April 14-15, 1983. The meeting on Wednesday and Thursday will be held in Rooms 416 and B-100 at the Page Building #1, 2001 Wisconsin Avenue, N.W., Washington, DC. The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government, was established by Congress by Pub. L. 95-63, on July 5, 1977. Its duties are to: (1) Undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of reports as may from time to time be requested by the President or Congress.

The Tentative Agenda is as follows:

Wednesday, April 13, 1983

2001 Wisconsin Avenue NW., Page Building #1, Rooms 416 & B-100, Washington, D.C.

Plenary

8:45 a.m.-12:30 p.m.

8:45 a.m.-9:00 a.m. • Announcements
9:00 a.m.-12:30 p.m. • Weather Satellites
Topic: Commercialization, Speakers:
TBA (To Be Announced).

Lunch

12:30 p.m.-1:30 p.m.

Panel Meetings

1:30 p.m.-5:30 p.m. • Coastal Management—Co-Chairman: Sharron Stewart, Jack R. Van Lopik, Room 416.
Topic: Wetland, Speakers: TBA;

Topic: OCS Revenue Sharing;

Speakers: TBA

3:00 p.m.—5:30 p.m. • Radioactive Waste;

Chairman: John A. Knauss, Room B-100, Topic: Panel Work Session.

Recess 5:30 p.m.

Thursday, April 14, 1983

2001 Wisconsin Avenue NW., Page Building #1, Room 416, Washington, D.C.

Panel Meeting

8:30 a.m.—10:00 a.m. • Marine Minerals, Chairman: Burt Keenan, Topic: Panel Work Session.

Plenary

10:00 a.m.—12:30 p.m. • Exclusive Economic Zone, Topic: Legislation, Speakers: TBA.

Lunch

12:30 p.m.—1:30 p.m.

Plenary

1:30 p.m.—3:30 p.m. • Review of Marine Minerals Report Chairman: Burt Keenan • Action Items • Panel Reports.

Adjourn

3:30 p.m.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235

Dated: March 24, 1983.

Steven N. Anastasion,

Executive Director.

[FR Doc. 83-7940 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (83-26)]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Advisory Subcommittee on Chemical Propulsion Technology.

DATES: Date and Time: April 19-21, 1983, 8:30 a.m. to 4:30 p.m. each day.

ADDRESS: National Aeronautics and Space Administration Headquarters, 600 Independence Avenue SW, Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward A. Gabris, National Aeronautics and Space Administration, Code RST, Washington, DC 20546 (202/755-2490).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Chemical Propulsion Technology was established to provide guidance and direction to the Chemical Propulsion research and technology programs of NASA's Office of Aeronautics and Space Technology. The Subcommittee, chaired by Dr. Sanders Rosenberg, is comprised of six members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons, including the Subcommittee members and participants).

TYPE OF MEETING: Open

Agenda

April 19, 1983

8:30 a.m.—Chairperson's Remarks.

9:30 a.m.—Chemical Propulsion Program Overview and Status.

12:30 p.m.—Space Shuttle Main Engine Technology Program.

4:30 p.m.—Adjourn

April 20, 1983

8:30 a.m.—Space Shuttle Main Engine Technology Program Discussion Continued.

12:30 p.m.—Propulsion Test Facility Assessment Team Report.

4:30 p.m.—Adjourn.

April 21, 1983

8:30 a.m.—Propulsion Test Facility Assessment Team Report Discussion Continued.

10:30 a.m.—Outlook for Chemical Propulsion.

12:30 p.m.—Subcommittee discussion in preparation for Subcommittee final report.

4:30 p.m.—Adjourn.

Richard L. Daniels

Director, Management Support Office, Office of Management.

March 22, 1983.

[FR Doc. 83-7980 Filed 3-28-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Notice of Meeting

Summary: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given of the thirtieth meeting of the National Commission for Employment Policy in Washington, D.C. at the Capitol Hill Quality Inn, 415 New Jersey Avenue, NW.

Date: April 26, 1983, 9:00 a.m.—5:00 p.m.; April 27, 1983, 9:00 a.m.—2:00 p.m.

Status: This meeting will be open to the public.

Matters to be discussed: The Commissioners will continue their discussion of employment policy recommendations and consider a workplan for June-October 1983 and beyond.

FOR FURTHER INFORMATION CONTACT:

Ms. Patricia Hogue, Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washington, D.C. 20005 (202) 724-1545.

SUPPLEMENTARY INFORMATION:

The National Commission for Employment Policy was established as title V of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95-524). The Act gives the Commission the broad responsibility of advising the President and the Congress on national employment issues. Business meetings are open to the public. People wishing to submit written statements to the Commission that are germane to the agenda may do so, provided that such statements are in reproducible form and are submitted to the Director at least 5 days before the meeting and not more than 7 days after the meeting.

In addition, members of the general public may request to make oral presentations to the Commission, time permitting. Such statements must be applicable to the announced agenda and written application must be submitted to the director at least 5 days before the meeting. This application should include: name and address of applicant, subject of presentation, relation to agenda, amount of time needed, individual's qualifications to speak on the subject, and a statement justifying the need for an oral rather than written statement.

The Commission Chairman has the right to decide to what extent public oral presentations may be permitted at the meeting. Oral presentations will be limited to statements of fact and views and shall not include any questioning of the Commissioners or other participants

unless these questions have been specifically approved by the Chairman.

Minutes of the meeting and materials prepared for it will be available for public inspection at the Commission's headquarters, 1522 K Street, NW., Suite 300, Washington, D.C., this twenty-third day of March, 1983.

Patricia W. Hogue,
Director.

[FR Doc. 83-6052 Filed 3-28-83; 8:45 am]
BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

[Circular No. 1 Revised]

Federal Assistance; Reconsideration of Declined Applications

Subject: National Endowment for the Arts—Process for Reconsideration of Declined Applications for Federal Assistance.

1. *Purpose.* The National Endowment for the Arts relies on peer panel review of grant applications in order to assure informed funding of artistically and culturally significant projects and activities. This Circular, for the purpose of guaranteeing uniformity and fairness in the review of funding recommendations, establishes a procedure for reconsideration of applications for financial grant assistance which have been declined by the National Endowment for the Arts. The provisions of this Circular do not apply to procurement governed by the Federal Property and Administrative Services Act or to applications for fellowships.

2. *Policy.* Award of Endowment financial assistance is discretionary. Determinations are made using criteria described in the program guidelines; several criteria involve subjective, qualitative judgments which are not subject to reconsideration. Notwithstanding this fact, a Project Director or Authorizing Official whose application has been declined may obtain an *explanation* of the declination from the responsible Program Director. If the Project Director or Authorizing Official is dissatisfied with this explanation and believes the application was handled unfairly or evaluated unreasonably and the declination was based on one or more of the reasons listed in section 3(b) below, reconsideration of the declination may be obtained under the procedure outlined herein.

3. *Procedure to be followed for reconsideration.*—a. *Explanation by*

Program Director. Within 30 days following notification of the Endowment's decision on any application, a Project Director or Authorizing Official may request an explanation for a declined application from the appropriate Program Director. This initial request may be made by letter, telephone or in person. The Program Director will explain the basis for the declination and on request will provide the Project Director or Authorizing Official with the substance of the advisory panel review comments. The Program Director will afford the Project Director or Authorizing Official an opportunity to present his or her point of view and will take any further action that appears appropriate.

b. *Grounds for Reconsideration.* Further reconsideration of grant declinations is available to applicants solely on grounds related to procedural impropriety or error, as evidenced by one or more of the following reasons:

(i) application declined based on review criteria other than those appearing in the relevant guidelines.

(ii) application declined based on influence on advisory panel of member(s) with undisclosed conflict of interest.

(iii) application declined based on information provided to the advisory panel by staff or panelists that was materially inaccurate or incomplete at the time of review *despite* the fact that the applicant had provided the Endowment staff with accurate and complete information as part of the regular application process.

Note that no revisions made to a grant application or supporting materials after declination will be accepted in connection with reconsideration of the original application decision. However, a substantially revised application may be submitted for review and evaluation as a *new* application in accordance with usual procedures, including deadlines and other guideline requirements.

c. *Action by the Appropriate Deputy.* If dissatisfied with the Program Director's explanation, the Project Director or Authorizing Official may submit a written request for reconsideration of the Endowment's action. A request of this nature will be considered only if (a) the Project Director or Authorizing Official has obtained an explanation from the Program Director; and (b) the Request for Reconsideration is received by the appropriate Deputy within 30 days after receipt of such explanation. (The Program Director will advise the applicant of the "appropriate Deputy.")

(i) The request must be mailed to the

appropriate Deputy and should state the basis for the Project Director's or Authorizing Official's belief that the declination was unwarranted. Note that Section 3(b), above, limits the grounds for reconsideration by a Deputy.

(ii) The appropriate Deputy will review the request for reconsideration in light of all relevant material regarding evaluation of the grant application in order to determine whether the standards enumerated in Section 3(b) have been satisfied. The Deputy, who will consult with the chairman prior to making a final determination, has full discretion in conducting this review; among other procedures, the deputy may request additional information from the Project Director or Authorizing Official and may obtain additional peer reviews. The Deputy may conduct the reconsideration personally or may designate another Endowment official who has no part in the initial evaluation to do so. As used here, "Deputy" includes such a designated official.

(iii) Within 45 days after receipt of the a written request for reconsideration, the Deputy will provide for reconsideration, the Deputy will provide the Project Director or Authorizing Official with a written summary of the results of the reconsideration. If results cannot be furnished within 45 days, the Deputy will provide the Project Director or Authorizing Official with a written explanation of the need for more time, indicating the date by which results can be expected. If the deputy reaffirms the declination, such determination shall be final.

4. *Audit.* The Deputy may request that surveys or site visits be conducted with respect to applicant organizations requesting reconsideration.

5. *Reporting Requirement.* Each appropriate Deputy will maintain a record of requests for reconsideration. The record will include the date of the receipt, the name of the Project Director or Authorizing Official, the name of the applicant organization, and the application number. When the reconsideration is completed, the record shall be updated to indicate when the results of the reconsideration were furnished to the organization and what the results were.

F. S. M. Hodson,
Chairman, National Endowment for the Arts.

[FR Doc. 83-6040 Filed 3-28-83; 8:45 am]
BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Clinch River Breeder Reactor; Cancellation

The ACRS Subcommittee on Clinch River Breeder Reactor (CRBR) scheduled for March 30, 1983, Room 1046, 1717 H Street NW., Washington, DC has been cancelled indefinitely. Notice of this meeting was published March 15, 1983 (48 FR 10961).

Dated: March 23, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-8022 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee for Review of Investigation Policy on Rights of Licensee Employees Under Investigation; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Committee for Review of the Office of Investigation Policy on Rights of Licensee Employees Under Investigation will hold its first meeting on April 13, 1983, beginning at 10:00 a.m. until the conclusion of business. The meeting will be held in Room 1167, 1717 H Street NW., Washington, D.C.

At this meeting Committee members will discuss the role and mission of the advisory committee and begin consideration of the issues concerning rights of licensee employees during investigations.

The entire meeting will be open to public attendance except for those portions during which the Committee finds it necessary to discuss detailed investigative practices and procedures. (Sunshine Act Exemption 7). To the extent practicable, these closed portions will be held so as to minimize inconvenience to members of the public in attendance.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to public attendance to avoid the disclosure of investigative techniques and procedures. The authority of such closure is Exemption (7) to the Sunshine Act, 5 U.S.C. 552b(c)(7).

Further information on this meeting may be obtained from Mr. Richard P. Levi, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. (Telephone 202/634-1465). A transcript of the open portions of the meeting will be made

available for public inspection and copying at NRC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C. this 24th day of March, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-8004 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co., (Calvert Cliffs Nuclear Power Plant Unit Nos. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Baltimore Gas and Electric Company (the licensee) is the holder of Facility Operating License Nos. DPR-53 and DPR-69 which authorize the operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 at steady-state power levels not in excess of 2700 megawatts thermal for each unit. The facility comprises two pressurized water reactors located at the licensee's site in Calvert County, Maryland.

II

Following the accident at the Three Mile Island No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were

scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

The licensee responded to the Generic Letter 82-05 by letter dated April 19, 1982; the licensee responded to the Generic Letter 82-10 by letter dated June 4, 1982. By letters dated October 12, 1982, November 16, 1982, January 21, 1983, February 18, 1983, and March 9, 1983, the licensee provided an updated schedule for completion of items identified by Generic Letters 82-05 and 82-10. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. Attachments 1 and 2, summarizing the licensee's scheduler commitments or status, were developed by the staff from Generic Letters 82-05 and 82-10 (respectively), and the licensee-provided information.

Of the items listed in Generic Letter 82-10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), III.a.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82-111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

Most of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

II.B.3 Post Accident Sampling System

The Post Accident Sampling System (PASS), common to both Calvert Cliffs Units, has been taken out of service for

vendor-recommended modifications and improvements. All of the PASS sampling functions are expected to be restored by June 1, 1983. As an interim measure, the licensee will utilize the post accident sampling system which was in use prior to installation of the current system.

II.F.1.(1a) Noble Gas Stack Monitor

The licensee has experienced significant equipment problems with the Noble Gas Stack Monitor. These problems are being actively pursued with the equipment vendor and are expected to be resolved to allow equipment operability at Calvert Cliffs Units 1 and 2 by June 1, 1983. The licensee will continue to use the interim measures which had been previously utilized at Calvert Cliffs.

II.F.1.(1b) Noble Gas Steam Effluent Monitor

Installation of a reliable system continues to be a problem. The licensee hopes to complete installation and testing of the modification by March 1, 1984 for both Units 1 and 2. As an interim measure, the licensee plans to utilize a system using dedicated portable instruments, placed in operation to meet the short term requirements of this item on January 1, 1980.

II.D.1.2 Relief Valve and Safety Valve Test Program

The licensee has indicated that a plant-specific report on the test program will be submitted by September 30, 1983 for Unit 1 and February 28, 1984 for Unit 2. The results of tests already performed indicate that the primary system safety/relief valves at Calvert Cliffs will perform as required.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG-0737 requirements noted; (2) there is good cause for the several delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designing the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 16th day of March, 1983.

For the Nuclear Regulatory Commission,
Robert A. Purple,
Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1.—LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

| Item | Title | NUREG-0737 schedule | Requirement | Licensee's completion schedule (or status) ¹ |
|----------|--------------------------------------|---------------------|---|---|
| II.A.3.1 | Simulator Exams | Oct. 1, 1981 | Includes simulator exams in licensing examinations | Complete. |
| II.B.2 | Plant Shielding | Jan. 1, 1982 | Modify facility to provide access to vital areas under accident conditions | Do. |
| II.B.3 | Post-Accident Sampling | do | Install upgrade post-accident sampling capability | June 1, 1983 |
| II.B.4 | Training for Mitigating Core Damage | Oct. 1, 1981 | Complete training program | Complete. |
| II.E.1.2 | Aux FW Indication and Flow Indicator | July 1, 1981 | Modify instrumentation to level of safety grade | Do. |
| II.E.4.2 | Containment Isolation Dependability | do | Part 5—lower containment pressure setpoint to level compatible with normal operation. | Do. |
| II.E.4.2 | Containment Isolation Dependability | do | Part 7—Isolate purge and vent valves on radiation signal | Do. |
| II.F.1 | Accident Monitoring | Jan. 1, 1982 | (1a) Install noble gas stack effluent monitors | June 1, 1983. |
| | | do | (1b) Install noble gas steam effluent monitor | Mar. 1, 1984 for Units 1 and 2. |
| | | do | (2) Provide capability for effluent monitoring of iodine | Complete. |
| | | do | (3) Install in-containment radiation-level monitor | Do. |
| | | do | (4) Provide continuous indication of containment pressure | Do. |
| | | do | (5) Provide continuous indication of containment water level | Do. |
| | | do | (6) Provide continuous indication of hydrogen concentration in containment | Do. |

¹When completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 REQUIREMENTS FROM GENERIC LETTER 82-10

| Item | Title | NUREG-0737 schedule | Requirement | Licensee's completion schedule (or status) |
|------------------|--|--|---|---|
| II.A.1.3.1 | Limit Overtime | Oct. 1, 1982, per Gen. Ltr. 82-12 dated June 15, 1982. | Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82-12, dated June 15, 1982. | Complete. |
| II.A.1.3.2 | Minimum Shift Crew ¹ | To be superseded by Proposed Rule | To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units. | To be addressed when Final Rule is issued. |
| II.C.1 | Revise Emergency Procedures ¹ | Superseded by SECY 82-111 | Reference SECY 82-111, Requirements for Emergency Response Capability. | To be determined. |
| II.D.1.2 | RV and SV Test Programs | July 1, 1982 | Submit plant specific reports on relief and safety valve program. | Sept. 30, 1983, for Unit 1. Feb. 28, 1984 for Unit 2. |
| II.D.1.3 | Block Valve Test Program | do | Submit report on test program | Complete. |
| II.K.3.30 and 31 | SBLOCA Analysis ¹ | 1 year after staff approval of model | Submit plant specific analyses | To be determined following staff approval of model. |

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 REQUIREMENTS FROM GENERIC LETTER 82-10—Continued

| Item | Title | NUREG-0737 schedule | Requirement | Licensee's completion schedule (or status) |
|-----------|---|------------------------------|--|--|
| III.A.1.2 | Staffing Levels for Emergency Situations ¹ | Superseded by SECY 82-111 | Reference SECY 82-111, Requirements for Emergency Response Capability. | To be determined. |
| III.A.1.2 | Upgrade Emergency Support Facilities ¹ | do | do | Do. |
| III.A.2.2 | Meteorological Data ¹ | do | do | Do. |
| III.D.3.4 | Control Room Habitability | To be determined by licensee | Modify facility as identified by licensee study | Complete. |

¹Not Part of Confirmatory Order.

[FR Doc. 83-6023 Filed 3-28-83; 9:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270, 50-287]

Duke Power Co. (Oconee Nuclear Station, Units 1, 2 and 3); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Duke Power Company (the licensee) is the holder of Facility Operating Licenses Nos. DPR-37, DPR-47, and DPR-55 which authorize the operation of the Oconee Nuclear Station, Units 1, 2 and 3 (the facilities) at steady-state power levels not in excess of 2568 megawatts thermal for each unit. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in Oconee County, South Carolina.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was

also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Duke Power Company responded to the Generic Letter 82-05 by letters dated April 16, July 28, November 15, 1982 and March 1, 1983; Duke Power Company responded to the Generic Letter 82-10 by letter dated June 4, 1982. In these submittals, Duke Power Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's scheduler commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82-10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

I.A.1.3.1 Limit Overtime

This item was acceptably resolved by the November 2, 1981, NRC letter to the licensee. However, Generic Letter 82-12,

issued June 15, 1982, slightly revised the Commission's policy statement of February 8, 1982, and requested that licensees review their past actions to assure that the administrative section of the Technical Specifications be revised to assure that plant administrative procedures follow the revised working hour guidelines. The licensee's response of July 23, 1982, "strongly supports the overall thrust of controlling the working hours of employees here to the extent of preventing a compromise of safety", endorses the ANS 3.2 draft on this subject and, "strongly objects to the proposed action specified with respect to its being included in Technical Specifications". This issue is being reviewed by the staff.

II.B.3 Post Accident Sampling

The implementation of this item consists of two systems, the Reactor Building Gas Sample System and the Reactor Coolant and Building Liquid Sample System.

Implementation of the Gas Sample System was delayed pending receipt of pump motor starters; these have been received and are scheduled to be installed by December 1982. Following installation of these motor starters, the systems will be functionally tested and adjusted as necessary to ensure operability. The licensee has completed the gas sampling system for all units.

During functional checkout of the system, on both Units 1 and 2, a valve failed in the intermediate position. The unit must be at cold shutdown to further investigate and correct this problem with these valves; therefore, the completion date is now set for the end of each respective unit's next refueling outage. The completion date for this system on Unit 3 will be similarly changed due to the possibility that the same valve malfunction is likely to occur. The estimated completion dates are:

Unit 1: End of Unit 1 Cycle 8 Refueling Outage—9/83
Unit 2: End of Unit 2 Cycle 7 Refueling Outage—12/83

Unit 3: End of Unit 3 Cycle 8 Refueling Outage—7/84

Procedures have been developed to use existing sampling equipment until these systems are operable.

II.F.1 Accident Monitoring

1. Noble Gas Monitors. These monitors had been installed on all units prior to January 1, 1982, but experienced erratic behavior and each monitor has been returned to the vendor at least twice. Recently, a completely new set of monitors from the same vendor was installed at Oconee, but after several weeks of operation, the detectors on Units 1 and 3 became inoperable. This is thought to be due to a moisture problem. The monitors on Unit 2 have been working properly for over six weeks and that system is considered operational. A representative from the vendor is scheduled to visit Oconee to try to correct the malfunction on the Units 1 and 3 monitors. If the problem recurs, new monitors from another vendor will be used to replace the defective units. Therefore, for Units 1 and 3 if the repair work is sufficient, the monitors will be operable by June 1, 1983. If new monitors need to be ordered the operability date will be April 30, 1984. The installed, control grade stack monitors can be used to provide an indication of noble gas release until implementation is complete on the noble gas monitors.

3. Containment High-Range Radiation Monitors. Delays were experienced in obtaining qualified instruments such that Unit 1 had returned to operation following the last refueling outage prior to their receipt. Therefore, installation for Unit 1 is scheduled for the next (Cycle 8) refueling outage.

The monitors have been installed on Units 2 and 3 but are not considered operable because of connector

qualification problems on Unit 2 and penetration problems on Unit 3. The monitors are scheduled to be fully operational on both units following the next refueling outage—Cycle 7 for Unit 2 and Cycle 8 for Unit 3. Presently installed area and airborne radiation monitors are control grade but can be used to provide in-containment radiation measurements until implementation of the high-range radiation monitors is completed.

III.D.3.4 Control Room Habitability

As a result of the licensee's review, three areas were identified for possible modifications: air in-leakage, lead shielding and chlorine and toxic gas detection. Further tests and evaluations now indicate that total isolation and sealing to prevent all in-leakage is neither practical nor necessary. The installation of the lead shielding is complete. The need for toxic gas detection is being reevaluated and appropriate modifications, if any, will be identified and a schedule for installation will be provided.

Therefore, the licensee has completed all modifications determined to be necessary at this time. Following completion of the licensee's and the NRC's reviews, further modifications may be necessary.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG-0737 requirements noted; (2) there is good cause for the several delays (unexpected design complexity, interface problems, and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of

public health and safety and, therefore, the licensee's commitments should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the *Federal Register*. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 18th day of March 1983.

For The Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

| Item | Title | NUREG-0737 Schedule | Requirement | Licensee's completion schedule (or status) ¹ |
|----------|--|---------------------|--|--|
| II.A.3.1 | Simulator Exams | Oct. 1, 1981 | Include simulator exams in licensing examinations | Complete-All Units. |
| II.B.2 | Plant Shielding | Jan. 1, 1982 | Modify facility to provide access to vital areas under accident conditions. | Do. |
| II.B.3 | Post-Accident Sampling | do | Install upgrade post-accident sampling capability | Refueling Outage Unit 1—8/83; Refueling Outage Unit 2—12/83; refueling Outage Unit 3—7/84. |
| II.B.4 | Training for Mitigating Core Damage. | Oct. 1, 1981 | Complete training program | Complete-All Units. |
| II.E.1.2 | Aux. Feedwater Initiation & Flow Indication. | July 1, 1981 | Modify instrumentation to level of safety grade | Do. |
| II.E.4.2 | Containment Isolation Dependability. | do | Part 5—lower containment pressure setpoint to level compatible w/normal operation. | Do. |
| | | do | Part 7— isolate purge and vent valves on radiation signal. | Do. |
| II.F.1 | Accident Monitoring | Jan. 1, 1982 | (1) Install noble gas effluent monitors | Installation complete for Unit 2. If repair work is sufficient, Unit 1, June 1, 1983 or if necessary to order new monitors April 30, 1984, Unit 3, June, 1983 or April 30, 1984. |

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05—Continued

| Item | Title | NUREG-0737 Schedule | Requirement | Licensee's completion schedule (or status) ¹ |
|-----------|--------------------|---------------------|--|--|
| | | do | (2) Provide capability for effluent monitoring of iodine | Complete—All Units. Unit 1—Refueling Outage 8 (- 9/83); Unit 2—Refueling Outage 7 (- 12/83); Unit 3—Refueling Outage 8 (- 7/84). Complete—All Units. |
| | | do | (3) Install containment radiation high-range monitors | |
| | | do | (4) Provide continuous indication of containment pressure | Do. |
| | | do | (5) Provide continuous indication of containment water level | |
| | | do | (6) Provide continuous indication of hydrogen concentration in containment | |
| II.K.2.10 | Safety Grade Trips | July 1, 1981 | Install anticipatory reactors trips | Do. |

¹ Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

| Item | Title | NUREG-0737 schedule | Requirement | Licensee's completion schedule (or status) ¹ |
|----------------|---|--|---|--|
| II.A.1.3.1 | Limit Overtime ² | Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. 6/15/82. | Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by generic Ltr. No. 82-12, dtd. June 15, 1982. | Licensee has taken exception to the Technical Specification of Generic Ltr. 82-12 (See DPC ltr. of 7/23/82). Submittal under review. |
| II.A.1.3.2 | Minimum Shift Crew ² | To be superseded by Proposed Rule. | To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units. | To be addressed when Final Rule is issued. |
| I.C.1 | Revise Emergency Procedures ² | Superseded by SECY 82-111 | Reference SECY 82-111, Requirements for Emergency Response Capability. | To be determined. |
| II.D.1.2 | RV and SV Test Programs | July 1, 1982 | Submit plant specific reports on relief & safety valve program. | Complete—All Units. |
| II.D.1.3 | Block Valve Test Program | do | Submit report of results of test program | Do. |
| II.K.3.30 & 31 | SBLOCA Analysis ² | One year after staff approval of model. | Submit plant specific analyses | To be determined following staff approval of model. |
| III.A.1.2 | Staffing Levels for Emergency Situations ² | Superseded by SECY 82-111 | Reference SECY 82-111, Requirements for Emergency Response Capability. | To be determined. |
| III.A.1.2 | Upgrade Emergency Support Facilities ² | do | do | Do. |
| III.A.2.2 | Meteorological Data ² | do | do | Do. |
| III.D.3.4 | Control Room Habitability | To be determined by licensee | Modify facility as identified by licensee study | Complete (See Order). |

¹ Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

² Not Part of Confirmatory Order.

[FR Doc. 83-8024 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-537]

Department of Energy and Tennessee Valley Authority and Project Management Corp.; Availability of Safety Evaluation Report for the Clinch River Breeder Reactor Plant

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction and operation of the Clinch River Breeder Reactor Plant (CRBRP). The planned location of the plant is on the Clinch River in the town of Oak Ridge, Roane County, Tennessee. Notice of receipt of application to construct and operate the Clinch River Breeder Reactor Plant was published in the Federal Register on June 12, 1975, 40 FR 25110.

The report summarizes the results to date of the staff's safety review of the proposed facility and has been largely limited to those subjects that could have an impact on the decision to issue a construction permit.

The report has been referred to the

Advisory Committee on Reactor Safeguards and is available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555; at the Oak Ridge Public Library, Civic Center, Oak Ridge, Tennessee, 37830; and the Lawson McGhee Public Library, 500 West Church Street, Knoxville, Tennessee 37902.

Copies of the Safety Evaluation Report (NUREG-0968) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the U.S. Nuclear Regulatory Commission, Sales Office, Washington, D.C. 20555.

Dated at Bethesda, Maryland this 22nd day of March 1983.

For the Nuclear Regulatory Commission.

J. Nelson Grace,

Director, CRBR Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 83-8034 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating Licenses

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 94 to Facility Operating License No. DPR-31, and Amendment No. 88 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments update the offsite management organization to reflect the current corporate structure.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10

CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) The application for amendments dated February 16 1982, as supplemented by letters dated August 12, and December 30, 1982, (2) Amendment Nos. 94 and 88 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of March, 1983.

For the Nuclear Regulatory Commission,
Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 83-8025 Filed 3-28-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-321]

**Georgia Power Company, et al.;
Issuance of Amendment to Facility
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 95 to Facility Operating License No. DPR-57, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, which revise Technical Specifications (TSs) for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1 (the facility) located in Appling County, Georgia.

This amendment was authorized by phone on February 22, 1983. It revised the TSs for a one-time change to permit an extension in the time interval, from 24 hours to 72 hours, before the oxygen concentration in the drywell need be

reduced to 4%, after the reactor is placed in the Run Mode. The amendment was issued on an expedited basis to avoid termination of an already initiated startup.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The request for amendment dated February 22, 1983, as confirmed by application dated March 2, 1983, (2) the Commission's letter to Georgia Power Company dated February 23, 1983, (3) Amendment No. 95 to License No. DPR-57, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22d day of March 1983.

For the Nuclear Regulatory Commission,
John F. Stolz,
Chief, Operating Reactors Branch #4,
Division of Licensing.

[FR Doc. 83-8056 Filed 3-28-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-382; Construction Permit
No. CPPR-103, EA 82-109]

**Louisiana Power and Light Co.
(Waterford Steam Electric Station Unit
3); Order Imposing a Civil Monetary
Penalty**

I

Louisiana Power and Light Company,
142 Delaronde Street, New Orleans,
Louisiana, 70174 (the "Licensee") is the

holder of Construction Permit CPPR-103 (the "CP") issued by the Nuclear Regulatory Commission ("NRC" or the "Commission"). The Construction Permit authorizes construction of the Waterford Steam Electric Station Unit 3 facility in St. Charles Parish, Louisiana. The Construction Permit was issued on November 14, 1974, and is due to expire on October 31, 1983.

II

An inspection of the licensee's activities under the CP was conducted at the Waterford plant by NRC Region IV inspectors during the period May 16 through July 15, 1982. As a result of the inspection, the NRC inspectors determined that the licensee had not conducted its activities in full compliance with NRC regulations. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated December 6, 1982.

The Notice stated the nature of the violation, the provision of the NRC regulations violated, and the amount of the civil penalty imposed for the violation. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty in two letters, both dated January 4, 1983.

III

Upon consideration of the licensee's reply to the Notice of Violation and arguments for remission of the proposed civil penalty, the Director of the Office of Inspection and Enforcement, for the reasons set forth in the Appendix to this Order, has determined that the penalty proposed for the violation designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.25, it is hereby ordered that:

The licensee pay a civil penalty in the amount of Twenty Thousand Dollars (\$20,000) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, DC 20555.

The licensee may within 30 days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement. If a hearing is requested, the Commission will issue

an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings; if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) whether the licensee violated NRC regulations as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty.

(b) whether, on the basis of such violation, this Order should be sustained.

Dated at Bethesda, Maryland this 16th day of March 1983.

For the Nuclear Regulatory Commission,

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

Appendix—Evaluations and Conclusions

For the violation and associated civil penalty identified in the Notice of Violation and Proposed Imposition of Civil Penalty for Louisiana Power and Light Company's ("LP&L") Waterford Steam Electric Station (Unit 3) dated December 6, 1982, the original violation is restated, the licensee's responses dated January 4, 1983 are summarized and the NRC's evaluation and conclusions regarding this response are presented.

Statement of Violation

10 CFR 50 Appendix B, Criterion II, requires that, "The quality assurance program shall provide control over activities affecting the quality of the identified structures, systems, and components, to an extent consistent with their importance to safety. Activities affecting quality shall be accomplished under suitably controlled conditions."

Contrary to the above, Louisiana Power and Light Company failed to adequately control activities affecting the quality of safety-related work. Specifically, LP&L failed to ensure that Ebasco Services, Inc., as construction manager, was adequately controlling the quality of safety systems and providing the complete and accurate documentation of quality required for these systems. This failure is illustrated by the fact that on April 30, May 22, and June 22, 1982, Ebasco QA signed four ASP-IV-50-6 forms indicating that four safety systems were ready for turnover to LP&L. These safety systems were containment spray, low pressure safety injection, safety injection tanks, and high pressure safety injection. The pertinent fabrication and installation records specified that these systems were ready for turnover. Subsequently, the LP&L construction QA and startup organizations rejected all four system turnover packages due to numerous findings which the quality

records and exception lists did not accurately identify. These findings included previously unidentified installation errors, as-built drawings that did not match actual field installation, field installations which included work that was not in compliance with procedures and specifications, QC inspections that had not identified unacceptable field installations, and QC records that were not consistent with current as-built drawings. These deficiencies in the control of activities affecting quality should have been identified by LP&L prior to system turnover.

This is a Severity Level III violation (Supplement II) Civil Penalty—\$20,000.

Evaluation of Licensee's Response

The licensee's response acknowledged that there was a partial breakdown in the Quality Assurance Program at the Waterford Unit 3 sub-tier levels involving contractor/Subcontractor organizations.

The licensee argued in its letters of January 4, 1983, that a civil penalty was not warranted. To support its position, the licensee argued that civil penalties are not normally assessed for Severity Level III violations. The licensee also argued that since it identified the deficiency, reported it to the NRC, took prompt corrective action and the violation was not the subject of any prior Notice of Violation, complete mitigation should be allowed.

The licensee's assertion that a civil penalty is not normally assessed for a Severity Level III violation is incorrect. The Enforcement Policy states that civil penalties are considered and usually imposed for Severity Level III violations (see Paragraph IV. B., 47 FR 9987, 9991 (March 9, 1982)). The base civil penalty for a Severity Level III violation is usually assessed at \$40,000. However, in reviewing the circumstances associated with this violation, the staff considered mitigating circumstances in making a determination as to the level of civil penalty to be proposed. The staff concluded that the broad corrective action taken by the licensee and the licensee's role in identifying and reporting a breakdown in the quality assurance program were such that a 50% mitigation of the civil penalty was warranted. The staff rejects the argument that additional mitigation is appropriate since this violation has not been the subject of a previous Notice of Violation. The Enforcement Policy provides for up to 25% escalation of a civil penalty where a licensee has prior notice of similar events. It does not provide for mitigation where a licensee had no prior notice. Had a similar breakdown in quality assurance programs occurred earlier, it too, could have been the subject of a civil penalty and, when repeated would have caused the staff to seek stronger sanctions in the instant case, up to and including an order. Indeed, in this case, two out of three levels of the licensee's quality assurance program broke down before the problem was identified by a third level. The licensee should have known of the breakdown earlier. Therefore, further mitigation is not appropriate.

Conclusions

The licensee's letters of January 4, 1983 contain no information regarding the

violation that was not previously known by the NRC during the enforcement conference or during the special site visit by Region IV and Office of Inspection and Enforcement staff. Accordingly, the staff concludes no further mitigation of the civil penalty is warranted.

[FR Doc. 83-6026 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Company; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of the date of issuance.

The amendment revises the frequency for performing independent audits of the Facility Emergency and Security Plans and implementing procedures from every 24 months to every 12 months in accordance with, 10 CFR 50.54(t) and 10 CFR 73.40(d), respectively.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated February 18, 1983, (2) Amendment No. 69 to License No. DPR-36 and (3) the Commission's related letter dated March 16, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may

be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[FR Doc. 83-8027 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 83 to Facility Operating License No. DPR-65, issued to Northeast Nuclear Energy Company, the Connecticut Light and Power Company, the Hartford Electric Light Company, and the Western Massachusetts Electric Company (the licensee), which revised Technical Specifications (TS) for operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility) located in the Town of Waterford, Connecticut. The amendment was effective on March 15, 1983.

The amendment defers the steam generator inservice inspection requirements of TS 4.4.5.1.3.c.1 to the May 1983 refueling outage and applies only to the outage which commenced on March 1, 1983.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated March 14, 1983 (2) Amendment No. 83 to License No. DPR-65, and (3) the Commission's related

Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[FR Doc. 83-8028 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revise the Technical Specifications to be consistent with the Cycle 8 reload analysis. The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated November 22, 1982, as supplemented by letters dated May 20 and December 29, 1982, February 18, 25

and 28, 1983, (2) Amendment No. 70 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 15th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3,
Division of Licensing.

[FR Doc. 83-8029 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-514 and 50-515]

Portland General Electric Company, et al.; Withdrawal of Application for Construction Permits

The Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97205, acting for itself and Pacific Power and Light Company and Puget Sound Power & Light Company, by Application dated November 12, 1982, has requested withdrawal of their application for licenses to construct and operate the Pebble Springs Nuclear Plant, Units 1 and 2, pressurized water reactors at their site located in Gilliam County, Oregon, about three miles northwest of Arlington, Oregon. A copy of the application is available for inspection in the NRC's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. By Memorandum and Order Terminating Proceeding dated February 24, 1983, the Atomic safety and Licensing Board granted the applicants' request to withdraw their application and terminate the proceedings before it. Accordingly, the Nuclear Regulatory Commission grants the applicants' request for withdrawal of their application to construct and operate the Pebble Springs Nuclear Plant, Units 1 and 2.

Notice of receipt of the application was published in the Federal Register on December 9, 1974 (39 FR 42938).

Dated at Bethesda, Maryland this 23d day of March 1983.

For the Nuclear Regulatory Commission.
Elinor G. Adensam,
Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-8030 Filed 3-28-83; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 79 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised the Technical Specifications for operation of the Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment revises the frequency for audits of the facility Emergency and Security Plans (and procedures) to at least once per 12 months.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 16, 1983, (2) Amendment No. 79 to License No. NPF-1, and (3) the Commission's related letter dated March 15, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Multnomah County Library, Social Science and Science Department; 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington,

D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of March, 1983.

For the Nuclear Regulatory Commission.
Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-8031 Filed 3-28-83; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District, which revised Technical Specifications (TSs) for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment revises the TSs to add requirements for the degraded voltage protection system for Class 1E equipment that will be installed during the current refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The licensee's application dated February 2, 1981, as revised July 16, 1982, (2) Amendment No. 46 to License No. DPR-54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy

of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of March 1983.

For the Nuclear Regulatory Commission.
John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-8032 Filed 3-28-83; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensee), which revised the license for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance and is to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

This amendment adds a license condition to include the Commission-approved Guard Training and Qualification Plan as part of the license.

The licensee's filing, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated August 15, 1979, as revised November 24, 1980, and April 16, 1982, consists of Safeguards

Information protected from public disclosure pursuant to 10 CFR 73.21.

For further details with respect to this action, see: (1) Amendment No. 56 to License No. NPF-3, and (2) the Commission's related letter to the licensee dated March 17, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the University of Toledo Library, Documents Department, 2801 West Bancroft Avenue, Toledo, Ohio 43606. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of March, 1983.

For the Nuclear Regulatory Commission,
John F. Stolz,
Chief, Operating Reactors Branch No. 4,
Division of Licensing.

[FR Doc. 83-8033 Filed 3-28-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric and Power Co. (North Anna Power Station, Unit 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Virginia Electric and Power Company (the licensee) is the holder of Facility Operating License No. NPF-4 which authorizes the operation of the North Anna Power Station, Unit 1 (the facility) at steady-state power levels not in excess of 2775 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Louisa County, Virginia.

II

Following the accident at Three Mile Island No.2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among

these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion,
(2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Virginia Electric and Power Company responded to the Generic Letter 82-05 by letters dated April 16, May 17, August 23, October 1, and November 22, 1982. Virginia Electric and Power Company responded to Generic Letter 82-10 by letters dated June 30 and November 22, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached tables summarizing the licensee's scheduler commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82-05 and 82-10 addressed thirteen and sixteen items, respectively. Of the ten items listed in Generic Letter 82-10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82-111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not

required until one year after staff approval of the generic models.

Fifteen (15) of the 17 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining six (6) items is provided herein.

II. F.1.3 Containment Range Monitor

The containment range monitor has been calibrated at the vendor plant and the system has been installed and tested. However, the licensee does not consider the system to be operational until such time that a final in-situ calibration has been completed. A prototype calibration source has been developed by the vendor and will be available by March 1983. The licensee is in the process of procuring the prototype calibration source so that a final in-situ calibration will be completed during a fall maintenance outage currently scheduled to be completed on October 31, 1983.

II. D. 1.2 RV and SV Test Program

The licensee has submitted a plant specific assessment regarding adequacy of the installed safety and relief valves and block valves. The discharge piping evaluation for the relief and safety valves is not complete. The piping evaluations for North Anna Unit No. 1 depend on the results obtained from the North Anna Unit No. 2 evaluations which were submitted on December 21, 1982. The licensee has committed to complete the North Anna Unit No. 1 evaluations by December 31, 1983.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG-0737 requirements noted; (2) there is good cause for the several delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the attachments to this Order in the manner described in the licensee's submittals noted in

Section III herein no later than the dates in the attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the

hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 15th day of March 1983.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

| Item | Title | NUREG-0737 schedule | Requirement | Licensee's completion schedule (or status) ¹ |
|----------|-------------------------------------|---------------------|---|---|
| IA.3.1 | Simulator Exams | Oct. 1, 1981 | Include Simulator exams in licensing examination. | Complete. |
| II.B.2 | Plant shielding | Jan. 1, 1982 | Modify facility to provide access to vital areas under accident conditions. | Do. |
| II.B.3 | Post-accident sampling | do. | Install upgrade post-accident sampling capability | Do. |
| II.B.4 | Training for mitigating core damage | Oct. 1, 1981 | Complete training program | Do. |
| II.E.1.2 | Aux FW indication & flow indicator | July 1, 1981 | Modify instrumentation to level of safety grade | Do. |
| II.E.4.2 | Containment isolation dependability | do. | Part 5—Lower Containment pressure Setpoint to level compatible with normal operation. | Do. |
| II.E.4.2 | Containment isolation dependability | do. | Part 7—Isolate purge and vent valves on radiation signal. | Do. |
| II.F.1 | Accident monitoring | Jan. 1, 1982 | (1) Install noble gas effluent monitors | Do. |
| | | do. | (2) Provide capability for effluent monitoring of iodine | Do. |
| | | do. | (3) Install in-containment radiation-level monitor | Oct. 31, 1983. |
| | | do. | (4) Provide continuous indication of containment pressure. | Complete. |
| | | do. | (5) Provide continuous indication of containment water-level. | Do. |
| | | do. | (6) Provide continuous indication of hydrogen concentration in containment. | Do. |

¹ Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

| Item | Title | NUREG-0737 schedule | Requirement | Licensee's completion schedule (or status) ¹ |
|----------------|---|--|--|---|
| IA.1.3.1 | Limit Overtime | Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. June 15, 1982. | Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82-12, dtd. June 15, 1982. | Complete. |
| IA.1.3.2 | Minimum Shift Crew ² | To be superseded by Proposed Rule. | To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units. | To be addressed when Final Rule is issued. |
| IC.1 | Revise Emergency Procedures ² | Superseded by SECY 82-111 | Reference SECY 82-111, Requirements for Emergency Response Capability. | To be determined. |
| II.D.1.2 | RV and SV Test Programs | July 1, 1982 | Submit plant specific reports on relief and safety valve program. | Dec. 31, 1983. |
| II.D.1.3 | Block Valve Test Program | do. | Submit report results of test program. | Complete. |
| II.K.3.30 & 31 | SBLOCA Analysis ² | 1 yr. after staff approval of model. | Submit plant specific analyses | To be determined following staff approval of model. |
| III.A.1.2 | Staffing Levels for Emergency Situations ² | Superseded by SECY 82-111 | Reference SECY 82-111, Requirements for Emergency Response Capability. | To be determined. |
| III.A.1.2 | Upgrade Emergency Support Facilities ² | do. | do. | Do. |
| III.A.2.2 | Meteorological Data ² | do. | do. | Do. |
| III.D.3.4 | Control Room Habitability | To be determined by licensee | Modify facility as identified by licensee study | Complete. |

¹ Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

² Not Part of Confirmatory Order.

[FR Doc. 83-8035 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

NRC Form 790, "Classification Record": Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (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).

1. Type of submission, new, revision or extension: revision.

2. The title of the information collection: NRC Form 790, "Classification Record."

3. The form number if applicable: NRC Form 790.

4. How often the collection is required: On occasion. Use is dependent on the number of classification actions made by the respondents. NRC Form 790, when used, must be submitted to the NRC Division of Security on a monthly basis.

5. Who will be required or asked to report: NRC licensees, contractors and

others who are permitted access to NRC classified information.

6. An estimate of the number of responses: estimated annual submittal for all respondents is 240.

7. An estimate of the total number of hours needed to complete the requirement or request: estimated total annual hours for all respondents is 20 man-hours.

8. Section 3504(h), Pub. L. 96-511 does not apply.

9. Abstract: Executive Order (E.O.) 12356, "National Security Information," identifies certain responsibilities and authorities of the Director, Information Security Oversight Office (ISOO). One of these authorities includes ". . . to require or each agency those reports, information, and other cooperation that may be necessary to fulfill the Director's responsibility." NRC Form 790 is the means by which the NRC Division of Security will collect this data from licensees, contractors and other organizations falling within the scope of 10 CFR Part 95 or NRC Manual Chapter 2101, Appendix XIV, Failure to complete this form would prohibit NRC from fulfilling its reporting responsibilities under E.O. 12356.

ADDRESSES: Copies of the submittal will be made available for inspection or copying for a fee at the NRC Public Document Room 1717 H Street, NW., Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 295-7340.

NRC clearance Officer R. Stephen Scott, (301) 492-8585. Dated at Bethesda, Maryland, this 23 day of March, 1983.

For the Nuclear Regulatory Commission,
Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-6036 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 2.6, Revision 1, "Emergency Planning for Research and Test Reactors," provides licensees and applicants with a method acceptable to the NRC staff for complying with the Commission's regulations with regard to the content of emergency plans for research and test reactors.

Comments and suggestions in connection with: (1) Items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 22nd day of March 1983.

For the Nuclear Regulatory Commission,

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-6037 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

March 23, 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:

American Medical International, Inc.
Common Stock, \$1 Par Value (File No. 7-6547)

Baker International Corporation
Common Stock, \$1 Par Value (File No. 7-6548)

Federal Express Corporation
Common Stock, \$.10 Par Value (File No. 7-6549)

Gould Inc.

Common Stock, \$4 Par Value (File No. 7-6550)

Humana Inc.

Common Stock, \$.16% Par Value (File No. 7-6551)

Prime Computer Inc.

Common Stock, \$0.0125 Par Value (File No. 7-6552)

Scientific Atlanta, Inc.

Common Stock, \$.50 Par Value (File No. 7-6553)

Texas Oil & Gas Corp.

Common Stock, \$.50 Par Value (File No. 7-6554)

U.S. Air Group, Inc.

Common Stock, \$1 Par Value (File No. 7-6555)

Waste Management, Inc.

Common Stock, \$1 Par Value (File No. 7-6556)

Western Company of North America

Common Stock, \$.30 Par Value (File No. 7-6557)

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 April 13, 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. 83-6048 Filed 3-28-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Americap Corp.; Issuance of a License To Operate as a Small Business Investment Company

[License No. 06/06-0265]

On November 10, 1982, a notice was published in the *Federal Register* (47 FR 218), stating that Americap Corporation, located at 6363 Woodway, Houston, Texas 77057, has filed an application

with Small Business Administration pursuant to 13 CFR 107.102 (1982), for a license to operate as a small business investment company under the provisions of Section 301(c) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on November 25, 1982, and no significant comments were received.

Notice is hereby given that considering the application and other pertinent information, SBA has issued License No. 06/06-0265 to Americap Corporation.

Dated: March 14, 1983.

[Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies]

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-7979 Filed 3-28-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 856]

International Security Assistance Programs; Secretarial Certification

In accordance with Section 502B of the Foreign Assistance Act of 1961, as amended (the Act), I have reviewed the international security assistance programs of the United States now proposed for the fiscal year 1983 in order to assure that:

(1) All security assistance programs are consistent with the provisions of Section 502B of the Act concerning the promotion and advancement of human rights and the avoidance of United States identification with human rights violations, and

(2) With respect to those countries where human rights conditions give rise to the most serious concerns, the security assistance provided by the United States is warranted in each case by extraordinary circumstances involving the national security interests of the United States.

On the basis of this review, I certify that these security assistance programs are in compliance with the requirements of section 502B of the Act.

This certification shall be reported to the Congress and published in the *Federal Register* as required by law.

Dated: March 26, 1983.

Kenneth W. Dam,
Deputy Secretary of the State.
[FR Doc. 83-8021 Filed 3-28-83; 8:45 am]
BILLING CODE 4710-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Individual Income Tax Returns; Proposed Alternative Ways for Filing Computer-Prepared Individual Income Tax Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed concepts for filing computer-prepared individual income tax returns.

SUMMARY: The number of computer-prepared returns is rapidly expanding. These returns are currently filed with the Internal Revenue Service (IRS) in the form of paper documents, and the IRS converts data from these documents into machine language for input to the IRS's ADP system. Savings could be realized if these computer-prepared forms were submitted in a manner which would reduce or eliminate the need for IRS transcription. This can be accomplished by allowing preparers, on a voluntary basis, to either file returns on magnetic media, or on standardized paper documents compatible with Optical Character Recognition (OCR) machines. Since both approaches could produce savings, it may be advantageous for the IRS to accommodate both approaches, leaving the choice of filing media to the preparers.

The IRS is requesting written comments and suggestions with respect to the above concepts. Reactions from the public will be considered by the IRS in deciding whether to implement one or both of these concepts. The IRS is also requesting expressions of interest in filing under one of these methods. Such expressions of interest should specify which approach appears to be preferable, the prospective number of returns to be filed, the lead time needed for implementation, and benefits to the computer preparer, the tax practitioner or the taxpayer.

If both of these concepts are implemented, Revenue Procedure 82-4 would be appropriately revised and expanded to cover the new OCR format, and a new revenue procedure would be developed to cover magnetic media filing.

DATE: Written comments and suggestion should be mailed or delivered by May 13, 1983.

ADDRESS: Written comments and suggestions should be mailed to the Director, Research Division (PM:PFR:R) Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Mr. Bernard Radack, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, telephone (202) 566-3683 (not a toll-free telephone number).

SUPPLEMENTARY INFORMATION:

A. OCR Answer Sheet Alternative

To make the OCR approach practical, it would be necessary to minimize the number of sheets of paper which constitute a computer-prepared tax return. This can be done by adding an OCR-compatible format to Revenue Procedure 82-4, which sets forth Service requirements for computer-printed returns. In the new format, computer-prepared returns would be printed in the form of answer sheets. That is, the returns would contain line numbers and amounts, but would omit the text now present on the returns. To provide further compression, lines or schedules for which there are no data entries could be omitted. In this way, most returns would fit onto one side of a page; for the relatively few extremely lengthy returns one or more continuation sheets would be needed. However, all information asked for on current forms would be required to be provided on the OCR-Compatible forms. Answer sheet returns would have to be printed in a font which is compatible with the Service's OCR capability.

The OCR answer sheet approach would apply to all computer-prepared individual tax returns and related schedules. Forms W-2, remittances, non-computer prepared schedules and other supporting material a taxpayer submits with the return would be attached to the computer-prepared answer sheet in the same manner as is now done on the standard Forms 1040 and 1040A.

An itemized, multi-schedule Form 1040 in the Answer Sheet format is attached, to illustrate the concept. This format appears to be one which would be easy to prepare, would be understandable to taxpayers, and would reduce Internal Revenue Service processing costs. It should be observed that the long vertical rules separating the columns would not be printed in black ink, but in a "drop-out" color that would be invisible to the OCR machines.

In this proposed approach, most computer-printed data entries would be

recorded in columnar form, with a maximum of five columns per page. A few entries, (such as Schedule A, items 14, 18 and 20b; detailed listings of dividends or interest by source from Schedule B; capital gains data from Schedule D; and depreciation data from Schedule E) need more than one column. Such information could be placed on the same page as the rest of the return, if space permitted. Otherwise, it would be placed on continuation sheets. (See illustrated Form)

Various means are available to provide taxpayers with explanations of the data entries on answer sheet returns; for example, blank returns or tax form instructions. If deemed desirable, a tailored explanation could also be provided with the answer sheet (see attachment). At their option, preparers could furnish their clients with copies which more closely resemble the forms provided in the tax packages. To ensure taxpayer understanding, computer-preparers would be instructed to repeat income, total tax, payments, and refund or balance due, near the area reserved for taxpayer and preparer signatures. Taxpayers would be required to sign these returns, as would preparers when applicable.

Prior to scanning, answer sheet returns would be edited. If the entire return is prepared by computer, no manual transcription would be required. However, if returns are only partially computer-prepared (i.e., some schedules prepared manually) it would be necessary for the Internal Revenue Service to transcribe data from those schedules to be associated with the data picked up by OCR. Provision would also have to be made for recognizing taxpayer corrections to computer-printed data. After scanning, the answer sheets would be reassociated with the other documents submitted by the

taxpayer. The reassembled returns would thereafter be processed like all other returns.

As noted, the potential primary benefit to the Internal Revenue Service of an answer sheet return is a reduction in transcription costs, through the use of OCR. Potential benefits to computer preparers would be savings in paper and in computer time, since fewer sheets of paper would be required for the preparation of returns. Although it has not yet been established to what degree optical scanning would reduce total processing time, any reduction would be a benefit to taxpayers.

B. Magnetic Media Alternative

Return preparers who use magnetic media would file returns in a prescribed format which would cover all the line items on the official return and schedules, in the same sequence as on the paper forms. The magnetic media submissions by the preparer would have to include properly executed, individual jurats for each tax return contained on the magnetic media. Each jurat would identify the taxpayer and the preparer, and would contain taxpayer and return preparer signatures and the following amounts from the tax return: total income, adjustments to income, adjusted gross income, total tax, payments and refund or balance due. Included in the jurat would be the following statement: "Under penalties of perjury, I declare that I have received a printed copy of this return prepared from magnetic tape, that I have examined this return, together with accompanying schedules and statements, and have compared the information reported therein with the information provided to the preparer, and that to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all

information of which preparer has knowledge and certifies that a printed copy of this return was provided to the taxpayer." Attached to such jurats would be Forms W-2, remittances, non-computer-prepared schedules, and any other material the taxpayer would normally include with the return. The preparer would provide the taxpayer with a retained copy of the return on a standard form, on a substitute form consistent with Revenue Procedure 82-4 or on the OCR format described in the preceding section.

Upon receipt, the Service would print returns filed on magnetic media, in a format consistent with Revenue Procedure 82-4. The printed returns would be associated with the applicable jurats (including the material attached to the jurats). These would constitute the return files, and would be processed in the same manner as if the returns had been filed on paper, except that the magnetic media would substitute for the present manual transcription process.

Magnetic media returns would include all of the data entries required for returns filed on paper documents. The Internal Revenue Service would require a minimum number of returns per magnetic media submission (e.g., at least 500) to make this mode of submission economical.

Potential benefits would be similar to those described in the preceding section relating to OCR-compatible forms.

Dated: March 24, 1983.

John J. Dopkin,

Acting Director, Tax Forms and Publications Division.

BILLING CODE 4830-01-M

Form **Page 1 of 2** Department of the Treasury—Internal Revenue Service **U.S. Individual Income Tax Return 1982**

For the year January 1–December 31, 1981, or other tax year beginning . 1981, ending . 19 . OMB No. 1545-0074

| | | | |
|---|--|---------------------|------------------------------|
| Use IRS label. Otherwise, please print or type. | Your first name and initial (if joint return, also give spouse's name and initial) | Last name | Your social security number |
| | FRANK B & EVELYN JONES | | 516 04 1492 |
| | Present home address (Number and street, including apartment, number or rural route) | | Spouse's social security no. |
| | 3807 MILL WAY | | 575 10 1776 |
| City, town or post office, State and Zip code | | Your occupation | ELECTRICIAN |
| LAKE CITY, NY 00000 | | Spouse's occupation | OFFICE MANAGER |

| FORM 1040 | FORM 1040 | SCHEDULE A | SCHEDULE D | SCHEDULE W |
|----------------|-------------|------------|------------|------------------------------|
| PRES SELF SPSE | TAX COMP | 8 | 204 | 4F* (456) 1A 23740 |
| 2 MARRIED JT | 34A 2244 | 9 | 138 | 4G* 2 1B 7200 |
| | 35 32643 | 10 | 204 | 5 (454) 3A 23740 |
| EXEMPTIONS | 36 7000 | 11 | 1291 | 6 (480) 3B 7200 |
| 6A SELF 65 | 37 25643 | 12 | 530 | 7 (934) 5A 23740 |
| 6B SPSE | 38 4334 | 13A | 325 | 11F* (350) 5B 7200 |
| 6C MARIE | 40 4334 | 15 | 2146 | 11G* 4656 6 7200 |
| 6C JAMES | | 16A | 1556 | 12 4306 8 360 |
| 6D* MOTHER | CREDITS | 18* | 75 | 13 108 |
| 6D* SISTER | 44 20 | 19 | 1631 | 16 4414 |
| 6E ? | 49 20 | 20A | 530 | 18 4414 |
| | 50 4314 | 23 | 530 | 19 3480 |
| INCOME | | 24 | 900 | 20 3480 |
| 7 30940 | OTHER TAXES | 25A | 150 | 21 2088 |
| 8 428 | 59 4314 | 26* | 83 | 22 1392 |
| 9A 563 | | 27 | 1133 | |
| 9B 200 | PAYMENTS | 28 | 5644 | *1040 |
| 9C 363 | 60 3200 | 29 | 3400 | 6D GRACE SMITH MOTHER 12 N Y |
| 13 1392 | 61 1000 | 30 | 2244 | CLARA JONES SISTER 0 N N |
| 17A 2400 | 66 12 | | | 21 PHOTO CONTEST 50 |
| 17B 2074 | 67 4212 | SCHEDULE B | | |
| 21* 50 | | 3* | 428 | *SCHED A |
| 22 35247 | AMT YOU OWE | 5* | 725 | 18 INSTALL PURCH 15 |
| | 71 102 | 6 | 725 | MTGE PREPYMT PENALTY 60 |
| ADJ INCOME | SCHEDULE A | 7 | 0 | 26 SAFE DEP BOX 8 |
| 29 360 | 1 419 | 8 | 428 | SMALL TOOLS 75 |
| 31 360 | 2 349 | 10* | 826 | *SCHED B |
| 32 34887 | 3 70 | 11 | 108 | 2 NAT BANK 330 |
| | 4 276 | 12 | 155 | 1ST S & L 98 |
| | 5A 883 | 14 | 263 | 4 CAP SAV BANK 725 |
| | 5B 22 | 15 | 563 | 9 ACME PUBLISHING CO 210 |
| | 6 1251 | 16 | YES | JONES BROS PTSHP 58 |
| | 7 1047 | 17 | NO | ZEPCO INC 86 |
| | | | | TURNBUCKLE POWER CO 75 |
| | | | | TIGER FUND 6 |
| | | | | RAINBOW FUND 136 |
| | | | | W & S STOCKHOLDERS 60 |
| | | | | HOUES MFG INC 40 |
| | | | | TOWN & COUNTRY INV 155 |

SUMMARY: 22 TOTAL INCOME 35247, 31 ADJUSTMENTS TO INCOME 360, 32 ADJUSTED GROSS INCOME 34887, 59 TOTAL TAX 4314, 67 PAYMENTS 4212, 71 AMT YOU OWE 102.

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and have compared the information reported therein with the information provided to the preparer, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which the preparer has any knowledge.

| | | | | | | |
|--------------------------|--|------|--|----------|---|--------------------------------|
| Please Sign Here | Your signature | Date | Spouse's signature (if filing jointly, BOTH must sign even if only one had income) | Date | Check if self-employed <input type="checkbox"/> | Preparer's social security no. |
| | Preparer's signature | | | | | |
| Paid Preparer's Use Only | Firm's name (or yours, if self-employed) and address | | | E.I. No. | | |
| | | | | ZIP code | | |

Department of the Treasury—Internal Revenue Service

Page 2 of 2 U.S. Individual Income Tax Return 1982

For the year January 1–December 31, 1981, or other tax year beginning . . . 1981, ending . . . 19 . . . OMB No. 1545-0074

| | | | |
|---|--|-----------|-----------------------------|
| Use IRS label. Otherwise, please print or type. | Your first name and initial (if joint return, also give spouse's name and initial) | Last name | Your social security number |
| | FRANK B & EVELYN JONES | | 516 04 1492 |
| | Present home address (number and street, including apartment, number or rural route) | | |
| City, town or post office, State and Zip code | | | Your occupation ▶ |
| | | | Spouse's occupation ▶ |

SCHEDULE D

| | A | B | C | D | E | F | G |
|---|---|----------|----------|------|------|-----|------|
| 1 | 100 SH - A CO | 04-08-82 | 10-02-82 | 744 | 950 | 206 | |
| | 50 SH - B CO | 06-12-82 | 08-26-82 | 1200 | 1198 | | 2 |
| | BAD DEBT - WORTHLESS | 07-15-82 | 12-31-82 | 0 | 250 | 250 | |
| 8 | 40 SH - MERRY CORP (FINAL LIQ DISTR) | 08-25-79 | 01-07-82 | 60 | 110 | 50 | |
| | 150 SH - C CO | 06-11-81 | 09-13-82 | 1148 | 812 | | 336 |
| | D CO BONDS-WORTHLESS | 12-01-65 | 12-31-82 | 0 | 300 | 300 | |
| | 400 SH - E CO | 12-10-78 | 02-17-82 | 9870 | 5550 | | 4320 |

Please Sign Here Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and have compared the information reported therein with the information provided to the preparer, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which the preparer has any knowledge.

| | | | | |
|--------------------------|--|------|---|--------------------------------|
| Paid Preparer's Use Only | Preparer's signature | Date | Check if self-employed <input type="checkbox"/> | Preparer's social security no. |
| | Firm's name (or yours, if self-employed) and address | | E.I. No. | ZIP code |

NOT REQUIRED

Computer Prepared Tax Form

Identification of Line Entries

FORM 1040—1982

Presidential Election Campaign Fund

1-5 Filing Status

6a Personal Exemptions

6b Spousal Exemptions

6c Names of Children living with you

6d* Other dependents

6e Total exemptions

7 Wages, salaries, tips, etc.

8 Interest Income

9a Gross Dividends

9b Enter the Exclusion

9c Gross Dividends minus Exclusion

10 State/local income tax refund

11 Alimony received

12 Business income/loss (Schedule C)

13 Capital gain/loss (Schedule D)

14 40% of capital gain distribution

15 Supplemental gain/loss (4797)

16 Taxable pensions, IRAs, and annuities

17a Other pension and annuities

17b Taxable amount of pensions/annuities

18 Rents, royalties, etc. (Schedule E)

19 Farm income/loss (Schedule F)

20a Unemployment compensation Total

20b Taxable unemployment

21* Other income

22 Total income

29 Deduction for Schedule W

31 Total adjustments

32 Adjusted gross income (AGI)

34a Itemized deductions (Schedule A)

34b Charitable contributions (only if 34a blank)

35 AGI minus 34a or 34b

36 \$1,000 per exemption (from line 6e)

37 Taxable income

38 Tax (from Table o Schedule)

39 Additional taxes

40 Total

44 Political contribution

49 Total credits (lines 41-48)

50 Subtract line 49 from line 40

59 Total tax

60 Tax withheld (W-2's)

61 Other taxes (lines 61-66)

66 Regulated investment company credit

67 Total payments

68 Amount overpaid

69 REFUND amount

70 Amount applied to next year's tax

71 AMOUNT YOU OWE

SCHEDULE A

1 Medicine and drugs

2 1% of line 33, 1040

3 Line 1 minus Line 2

4 Insurance premiums paid
Other medical/dental expenses

5a Doctors, dentists, hospitals, etc.

5b Transportation

5c Other—Total

6 Total of lines 3 thru 5c

7 3% of line 33, 1040

8 Line 6 minus line 7

9 50% of line 4—NOT over \$150

10 Larger of line 8 or line 9

11 State and local income tax

12 Real estate

13a General sales

15 Total taxes paid

16a Home mortgage interest

18 Other interest

19* Total interest expense

20a Cash contrib., less than \$3,000

23 Total contributions

24 Casualty or theft losses

25a Union and professional dues

26 Other miscellaneous

27* Casualty/theft losses, miscellaneous

28 Total of lines 10, 15, 19, 23, 27

29 Filing status allowance

30 Line 28 minus line 29

SCHEDULE B

3* Total interest income

5 Total ASC interest

6 ASC exclusion

7 Line 5 minus line 6

8 Add line 3 and line 7

10 Total dividend income

11 Capital gain distribution

12 Non-taxable distributions

14 Capital gains distribution/nontaxable distributions/and dividends excluded from dividend reinvestment

15 Subtract line 14 from line 10, Line 10 minus line 14

16 Any interest in foreign account?

17 Grantor or transferor of foreign trust?

SCHEDULE D

4f Total short-term losses

4g Total short-term gains

5 Short-term net gain or loss

6 Short-term capital loss carryover

7 Total of lines 5 and 6

11f Total long-term losses

11g Total long-term gains

12 Long-term net gain or loss

13 Capital gain distribution

16 Total of lines 12 through 15

18 Long-term net gain or loss

19 Add lines 7 and 18

19a Does line 19 show gain?

20 See instructions

21 60% of line 20

22 Line 19 minus line 22

25 Short-term loss on line 7

26 Gain on line 18

27 Line 26 minus line 25

28 Same as line 24

29 Lesser of line 27 or line 28

30 Short-term loss carryover

31 Line 28 minus line 29

32 Loss on line 18

33 Gain on line 7

34 Line 33 minus line 32

35 Line 31 x 2

36 Long-term loss carryover

SCHEDULE W

1a&b Wages, salaries, tips, etc.

2a&b Profit or loss from self-employment

3a&b Line 1 plus line 2

4a&b Adjustments

5a&b Line 3 minus line 4

6 Lesser of line 5a or line 5b

8 Line 6 times .05

Office of the Secretary**List of Countries Requiring Cooperation With an International Boycott**

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]. The list is the same as the prior quarterly list published in the *Federal Register*.

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954].

| | |
|---------|----------------------|
| Bahrain | Saudi Arabia |
| Iraq | Syria |
| Jordan | United Arab Emirates |
| Kuwait | Yemen, Arab Republic |
| Lebanon | Yemen, Peoples |
| Libya | Democratic Republic |
| Oman | of |
| Qatar | |

John E. Chapotoh,

Assistant Secretary for Tax Policy.

[FR Doc. 83-6017 Filed 3-29-83; 8:45 am]

BILLING CODE 4810-25-M

[Supplement to Department Circular Public Debt Series—No. 8-83]**Series H-1987 Notes; Interest Rate**

March 23, 1983.

The Secretary announced on March 22, 1983, that the interest rate on the notes designated Series H-1987, described in Department Circular—Public Debt Series—No. 8-83 dated March 16, 1983, will be 10% percent. Interest on the notes will be payable at the rate of 10% percent per annum.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-7976 Filed 3-29-83; 8:45 am]

BILLING CODE 4810-40-M

[Order No. 114-1]**Establishment of the Office of the Assistant Secretary (Electronic Systems and Information Technology)**

March 14, 1983.

By virtue of the authority vested in me as Secretary of the Treasury, including authority vested in me by 31 U.S.C. 321(b), it is ordered that:

1. The position of Assistant Secretary (Electronic Systems and Information Technology) is hereby established. The incumbent will report to the Secretary and will be responsible for the policy, oversight, and improvement of the electronic data processing, telecommunications, and office automation activities of the Department. Such responsibilities include, but are not limited to:

a. Agencywide oversight and coordination of office automation, electronic data processing, and, jointly with the Assistant Secretary for Administration, telecommunications.

b. Establishment and promulgation of policies, standards, and directives on the utilization of electronic data processing and, jointly with the Assistant Secretary for Administration, telecommunications resources.

c. Review of budgets for Electronic Systems and Information Technology for the Treasury Department and its bureaus.

d. Advice to the Secretary on systems applications that offer the greatest return, in increased effectiveness and improved productivity, in support of Treasury Department mission accomplishment.

e. Serving as the principal advisor to the Secretary, the Deputy Secretary, and senior officials throughout the Treasury Department on matters related to electronic systems and information technology.

2. The Office of the Assistant Secretary (Electronic Systems and Information Technology) is hereby established. Under the supervision of the Assistant Secretary (Electronic Systems and Information Technology), the office performs the following functions:

a. Oversight and policy development for electronic data processing systems, office automation, and, jointly with the Assistant Secretary for Administration, telecommunications, Departmentwide, including review of acquisition planning.

b. Administering the Departmental electronic data processing and, jointly with the Assistant Secretary for Administration, telecommunications standards program.

c. Representing the Department to other executive agencies in matters related to overall policy in the areas of electronic data processing, office automation, and telecommunications.

d. Assisting in determining funding levels for bureau resource requests for Electronic Systems and Information Technology.

e. Coordinating and evaluating the utilization and effective operation of electronic data processing and

telecommunications resources in the Department.

f. Representing the Secretary on the National Communications Security Committee and fully informing the Assistant Secretary (Administration) and heads of bureaus as to major pending issues affecting operations.

3. This Order is effective immediately. All previous Orders to the extent they are inconsistent with the above are hereby amended or superseded respectively.

Donald T. Regan,

Secretary of the Treasury.

[FR Doc. 83-7970 Filed 3-29-83; 8:45 am]

BILLING CODE 4810-25-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**Department of Commerce****International Trade Administration****Advisory Committee for Trade Negotiations and President's Export Council; Meeting and Determination of Closing of Meeting**

The joint meeting of the Advisory Committee for Trade Negotiations (ACTN) and the President's Export Council (PEC) to be held Friday, April 15, 1983, from 10:00 a.m. to 12:00 noon at the Old Executive Office Building in Room 450, will involve a review and discussion of the current issues involving the trade policy of the United States. The review and discussion will deal with information submitted in confidence by the private sector members of each committee under Section 135 (g)(1)(A) of the Trade Act of 1974, as amended (the Act); information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives; information the disclosure of which would be likely to significantly frustrate implementation of proposed government action; and information properly classified pursuant to Executive Order 12356 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States.

All members of the ACTN and the PEC have all necessary security clearances. Consistent with determinations concerning other advisory committees established under section 135(c) of the Act, we hereby determine that the joint meeting of the ACTN and the PEC will be concerned with matters listed above and with

matters listed in section 552b(c) of Title 5 of the United States code. Therefore, the joint meeting of the Advisory Committee for Trade Negotiations and the President's Export Council will be closed to the public.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506 or Wendy Haimes, Executive Director of the President's Export Council, United States Department of Commerce, Washington, D.C. 20230.

Phyllis O. Bonanno,

*Director, Office of Private Sector Liaison,
United States Trade Representative.*

Henry Misisco,

*Acting Director, Office of Planning and
Coordination, United States Department of
Commerce.*

[FR Doc. 83-8019 Filed 3-29-83; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 61

Tuesday, March 29, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-377, Amdt. 2]

Deletion From the March 24, 1983 Meeting
March 24, 1983.

TIME AND DATE: 9:30 a.m., March 24, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

40. Docket 41236, Application of Pan American World Airways, Inc., for an exemption. (U.S.—Japan—Taiwan; U.S.—Japan—South Korea) (BIA, OGC, BALJ)

STATUS: Closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

[S-432-83 Filed 3-25-83; 9:52 pm]
BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

[M-377, Amdt. 1]

Change of the Status From Open to Closed at the March 24, 1983 Meeting
March 23, 1983.

TIME AND DATE: 9:30 a.m., March 24, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

39. Docket 41254, Application of Singapore Airlines (SIA) for an exemption from the frequency limitation condition on its Hong

Kong-U.S. services, contained in its foreign air carrier permit. (Memo 1756, BIA, OGC)

STATUS: Closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-429-83 Filed 3-24-83; 4:02 pm]
BILLING CODE 6320-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:05 p.m. on Thursday, March 24, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider applications for capital assistance under section 13(i) of the Federal Deposit Insurance Act (names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

At that same meeting, the Board of Directors considered a personnel matter. In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: March 25, 1983.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-431-83 Filed 3-25-83; 3:40 pm]
BILLING CODE 6714-01-M

4

POSTAL SERVICE

(Board of Governors)

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 2:00 p.m. on Monday, April 4, in Richmond, Virginia, and at 8:00 a.m. on Tuesday, April 5, in Room 322 of the Richmond Management Sectional Center, 1801 Brook Road, Richmond, Virginia. As indicated in the following paragraph, the Monday meeting is closed to public observation. Should the Board fail to complete its agenda for the closed session on April 4, it is expected to resume its consideration of that agenda on April 5, following the open meeting. Requests for information about the meetings should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

At its meetings of March 7 and 8, 1983, the Board voted in accordance with the provisions of the Sunshine Act to close to public observation its meeting scheduled for April 4. The agenda items of the meeting to be closed concern strategic planning in regard to future rate adjustments, proposed changes in the E-COM rate and mail classification provisions, consideration of the Final Opinion and Recommended Decision on Remand which the Postal Rate Commission issued on March 4, 1983, in Docket No. MC78-3, and the selection of a Deputy Postmaster General.

Agenda

Monday Afternoon Session (Closed)

1. Strategic Planning—Future Rate Adjustments
2. March 4, 1983, Recommended Decision of the Postal Rate Commission on E-COM Service in Docket No. MC78-3.
3. Discussion of proposed changes in E-COM rate and mail classification provisions.
4. Discussion of the possible appointment of a new deputy Postmaster General.

Tuesday Morning Session (Open)

1. Minutes of Previous Meetings.
2. Remarks of the Postmaster General.
(In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. Nothing that requires a decision by the Board is brought up under this item.)

3. Officer Compensation.
(The Board will consider approval of a recommendation by the Postmaster General regarding adjustments in officer compensation.)
4. Report on Finance Group Programs.
(Mr. Finch, Senior Assistant Postmaster General for Finance, will present the annual review of developments in the Finance Group.)

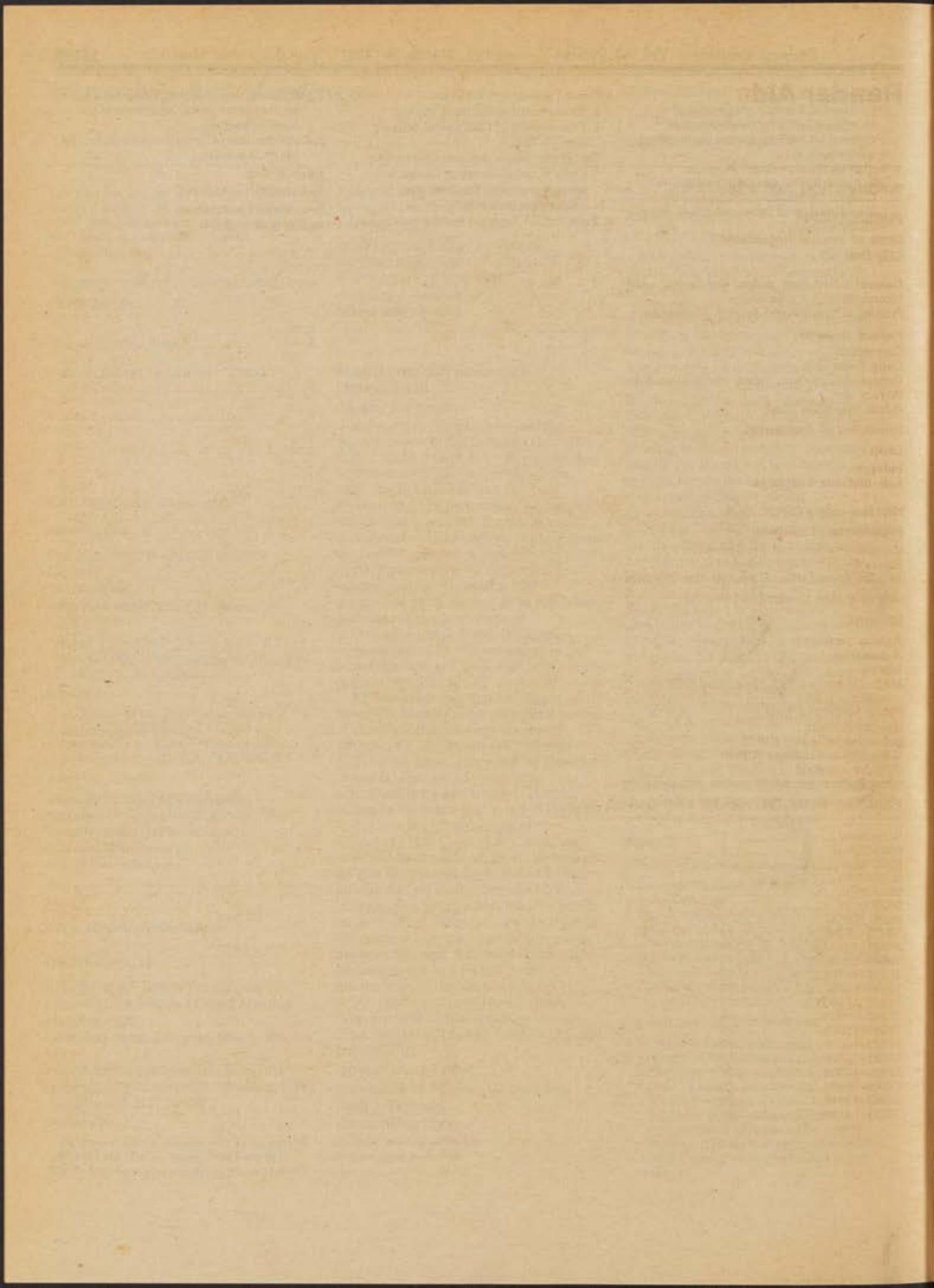
5. Capital Investment Projects:
- a. Procurement of 268 truck tractors.
 - b. Procurement of 1,082 parcel delivery vans (1-Ton).
- (Mr. Biglin, Senior Assistant Postmaster General, Administration Group, will present proposals for these two procurements of vehicles.)
6. Report of the Regional Postmaster General.

- (Mr. Daws, Regional Postmaster General, will report on postal conditions in the Eastern Region.)
7. Consideration of Tentative Agenda for the May 2/3 meeting.

Louis A. Cox,
Secretary.

[S-430-83 Filed 3-25-83; 2:54 pm]

BILLING CODE 7710-12-M



Reader Aids

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Vol. 48, No. 61

Tuesday, March 29, 1983

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List of Public Laws

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H.R. 1718 / Pub. L. 98-8 Making appropriations to provide productive employment for hundreds of thousands of jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and its citizens, and to provide humanitarian assistance to the indigent for fiscal year 1983, and for other purposes. (Mar. 24, 1983; 97 Stat. 13) Price: \$3.25.

S.J. Res. 35 / Pub. L. 98-9 Designating the week beginning March 20, 1983, as "National Mental Health Counselors Week". (Mar. 24, 1983; 97 Stat. 39) Price: \$1.75.

S.J. Res. 65 / Pub. L. 98-10 Designating March 21, 1983, as "Afghanistan Day". (Mar. 24, 1983; 97 Stat. 41) Price: \$1.75.

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