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Federal Register

Friday
April 8, 1983

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Environmental Protection Agency

Animal Drugs
Food and Drug Administration

Animals
Air Force Department

Crop Insurance
Federal Crop Insurance Corporation

Endangered and Threatened Wildlife
Fish and Wildlife Service

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Flood Insurance
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Food and Drug Administration

Food Ingredients
Food and Drug Administration

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Food and Nutrition Service

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 5042 of April 6, 1983

Mother's Day, 1983

By the President of the United States of America

A Proclamation

Traditionally, this Nation honors its mothers by designating the second Sunday in May as Mother's Day.

To our mothers we owe our highest esteem, for it is from their gift of life that the flow of events begins that shapes our destiny. A mother's love, nurturing, and beliefs are among the strongest influences molding the development and character of our youngsters. As Henry Ward Beecher wrote, "What a mother sings to the cradle goes all the way down to the coffin."

Motherhood is both a great responsibility and one of the most rewarding and pleasurable experiences life has to offer. Mother's Day presents a special opportunity to appreciate our mothers—to consider all they have done, and all they continue to do, in fostering children's physical and emotional growth, nursing illness, encouraging success, easing failure, maintaining family life, supporting their spouses, contributing vitally to the economy through their accomplishments at work, and serving their communities. The quality and scope of their activities, as well as their overriding concern for the well-being of their families and our country, inspires and strengthens us as individuals and as a Nation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby request that Sunday, May 8, 1983, be observed as Mother's Day. I direct Government officials to display the flag of the United States on all Federal Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-9462
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Rules and Regulations

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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 60

Market News Reports; Establishment of Fees and Charges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service issued a notice of proposed rulemaking on September 27, 1982, in the Federal Register (47 FR 42365) to amend the interim final rule originally published on July 8, 1982, at 47 FR 29643–29645, which established the collection of fees for the distribution upon request of copies of market news publications to the general public. The Department proposed to require all media, whether trade publication or general news media, to pay for mailed publications thereby eliminating the exemption for news media presently contained in the interim final rule. The period for public comment having passed with no responses filed, the Agricultural Marketing Service now issues a final rule adopting the interim final rule and proposed amendments.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Dairy reports: Silvio Capponi, Chief, Market Information Branch, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7461. Fruits and vegetable reports: Clay J. Ritter, Chief, Market News Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2745. Livestock and grain reports: James A. Ray, Chief, Market News Branch, Livestock, Meat, Grain, and Seed Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6231. Poultry reports: Raymond S. Wruk, Chief, Market News Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6911.

SUPPLEMENTARY INFORMATION: Notice was given (47 FR 29634–29645, July 8, 1982) that the Department was implementing, effective August 1, 1982, as an interim final rule, regulations providing for the collection of fees for the printing and mailing of market news reports distributed by the Department under the Agriculture and Food Act of 1981 (7 U.S.C. 2242a). Such fees and charges were set at a level which would cover as nearly as practicable the costs of printing, postage and handling of market news reports requested by the general public except news media and certain government agencies who cooperated in collection of data. The Department then issued a proposal to amend the interim final rule to require all news media, whether trade publications or general news media, to pay for market news reports delivered by mail. This proposal was published September 27, 1982, at 47 FR 42366. No comments were received to the proposed rule and the Department is herein promulgating 7 CFR Part 60 which incorporates the interim final rule and the proposed rule.

The Agriculture and Food Act of 1981 establishes authority for the Department to promulgate regulations to establish and collect fees and charges to cover the Department's cost for the printing, handling, and mailing of market news publications reporting economic research and statistical data.

The Department's decision to collect fees for market news reports is consistent with the Department's goal of reducing its cost of distributing publications. A limited distribution list will be established with other bureaus within USDA for copies of publications under the principle of data exchange to complement the various responsibilities of those organizations. In the interim final rule, the Department provided that no fee would be charged for the distribution of market news reports to wire services, newspapers, news magazines, and broadcast news outlets. The interim final rule did provide for the payment of fees by trade journals and trade association publications aimed at organizational memberships for the reason that the Department had determined that it would not be appropriate to provide publications free of charge to these numerous organizations which service limited audiences. However, based upon written comments received from trade associations and trade publications covering a wide variety of agricultural commodities, the Department acknowledged that many publications in direct competition with each other for subscribers could not be easily categorized as news media or trade publications. Therefore, it was proposed that the interim final rule be amended to eliminate the exemption for the news media with the Department continuing to provide current information by wire services and automatic telephone answering devices.

Fees for the publications will vary according to the number of pages, frequency of issues, number of subscribers, cost of equipment, personnel, and other factors affecting printing and distribution. With the expected fluctuating costs of printing, handling, and postage, it has been determined that it would be inappropriate for the fees to be specified in the regulations where any changes would require time-consuming and expensive rulemaking procedures. Therefore, the fees will be computed and revised when necessary to assure recovery of the Departmental costs. Based on estimates of current costs and activity level, fees during the initial subscription period will be charged according to the following schedules:

[In dollars]

Frequency	Mailed			Picked up in office [1]	
	United States, Canada, Mexico (Annual)	Other countries		Annual rate	Each
		Surface	Air		
Reports Issued by the Fruit and Vegetable Division					
Daily	120	160	240	60	0.25
Semiweekly	84	126	168	24	.25
Weekly	48	72	96	12	.25
Monthly	12	18	24	4	.25
Annual	4	6	8	2	2.00
Reports Issued by the Livestock, Meat, Grain and Seed Division					
Daily	125	125	200	75	.40
Weekly:					
Single page	30	30	75	20	.40
Dual page	45	45	85	35	.75
Monthly	12	12	20	10	.75
Quarterly	5	5	8	5	1.25
Annual	4	4	6	4	4.00
Reports Issued by the Dairy Division					
Weekly	30	30	85	20	.40
Annual	4	4	6	3	3.00
Reports Issued by the Poultry Division					
Weekly	110	110	220	90	.90
Semiweekly	75	75	150	52	.50
Monthly	84	84	168	75	6.80
Annual	4	4	8	4	4.00

1 A single copy of daily, semiweekly, and weekly reports is free of charge when picked up in office.

The final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been determined to be a "non-major" rule because it does not meet any of the criteria established for major rules under the executive order. In conformance with the provision of the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), full consideration has been given to the potential economic impact upon small business. Most producers and dealers fall within the confines of "small business," as defined in the Regulatory Flexibility Act. A number of firms who are expected to use the market news reports do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have an adverse economic impact upon all entities, small and large, and will in no way affect normal competition in the marketplace.

List of Subjects in 7 CFR Part 60

Market news reports, Subscription fees.

Accordingly, a new Part 60 published as an interim rule (47 FR 29643) is adopted as final to read as follows:

PART 60—MARKET NEWS REPORTS

Sec.
60.1 Definitions.
60.3 General.
60.5 Market News Reports published by the Dairy Division; Fruit and Vegetable Division; Livestock, Meat, Grain, and Seed Division; and Poultry Division.

Authority: 7 U.S.C. 1622(g), 7 U.S.C. 2242a.

§60.1 Definitions.

As used in this part:

(a) Market News means marketing information providing historical, current, and outlook information on a wide range of production, supply, demand, price, and other market data to assist in the orderly operation of the United States agricultural economy.

(b) Market News Reports means publications which report statistical and economic research on agricultural marketing.

(c) Department means the United States Department of Agriculture.

(d) Fees refers to charges to recover costs incurred by the Department consisting of printing (including machinery, paper, ink, and miscellaneous supplies), postage and handling (including the accounting supervision) for published reports.

(e) Administrator means the Administrator of the Agricultural Marketing Service, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act for the Administrator.

§60.3 General.

The regulations in this part are issued to implement a subscription fees system for market news reports issued by the Agricultural Marketing Service. All other means of disseminating market news currently in use, such as commercial and public wire services, telephone answering devices, radio, and television will continue without charge to the recipients.

§60.5 Market News Reports published by the Dairy Division; Fruit and Vegetable Division; Livestock, Meat, Grain, and Seed Division; and Poultry Division.

Market news reports under the Act and this part shall be distributed in whatever manner and form and for whatever purpose the Administrator may choose and will be available for distribution as follows:

(a) Market news reports shall be available on an annual subscription (or seasonal subscription for reports issued by the Fruit and Vegetable Division) upon written request and upon payment of a subscription fee, except that no fees will be charged to other government agencies which assist in the collection of market news data for the requested report. Establishment of mailing lists, based on the payment of subscription fees, will begin upon publication of this rule and will be updated on a continuing basis.

(b) Subscription fees shall be reviewed by the Administrator and revised, when necessary, to assure recovering of the Department's costs. Subscription renewal notices will specify the subscription rates. Subscription requests for less than a 12-month period will be prorated but may be subject to an additional handling charge.

(c) Requests involving research of records or reports, file copies, large volumes of reports, or requests which require additional handling, will be assessed fees sufficient to cover the actual cost for the requested service.

(d) Information concerning market news reports and fees may be obtained from the Administrator, Agricultural Marketing Service, USDA, Washington, D.C. 20250.

(e) A single copy of daily, semiweekly, and weekly reports prepared by the local market news office may be picked up free of charge at that office.

Done at Washington, D.C., April 4, 1983.

Vern F. Highley,

Administrator, Agricultural Marketing Service.

[FR Doc. 83-9150 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-02-M

Food and Nutrition Service

7 CFR Parts 272, 274 and 276

[Amendment No. 245]

Food Stamp Program: Mail Issuance Loss Tolerance Levels

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rulemaking.

SUMMARY: This Food Stamp Program rulemaking establishes tolerance limits for mail issuance losses, and procedures for holding State agencies liable for losses that exceed the limits. This rule is based on provisions of the Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97–98), and is designed to control program losses and, thus, to conserve program funding. Interim liability procedures were published on November 9, 1982, and implemented on January 1, 1983. Comments were solicited on the interim procedures. This final action addresses significant issues raised by the commenters.

DATE: This rule is effective retroactively to January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Dan Woodhead, Supervisor, Issuance and Benefit Delivery Section, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302, (703) 756–3425.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed with regard to the requirements of Executive Order 12291 and Secretary's Memorandum 1512–1, and it has been determined that the action is a non-major rule as defined by that Order. It will not result in an annual effect on the economy of $100 million or more because this rule does not mandate any State activities that will significantly increase expenditures. The rule is not likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. State agencies whose mail issuance losses exceed tolerance levels and take no corrective action may experience some increase in program administrative costs, but it is not anticipated that such an increase will be major. Those State agencies that implement corrective action will likely experience a modest increase in costs by using more secure mail issuance systems or alternative issuance systems. Because the rule will not affect the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United Stated-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This action has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). Robert E. Leard, Acting Administrator, Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. Requirements are not placed on small businesses or small organizations. Some requirements are placed on State agencies. However, the requirements do not have significant economic impact on local governments.

Paperwork Reduction Act

The new requirement to report the value and number of returned issuances is subject to OMB approval, and is not effective until OMB approval has been obtained. All other reporting and recordkeeping requirements contained in this action have been approved by OMB and have been assigned OMB numbers 0584–0009 and 0584–0015.

Effective Date

The November 9, 1982 interim mail issuance tolerance procedures took effect at the beginning of the fiscal quarter which began on January 1, 1983. Because this action significantly changes interim procedures for that fiscal quarter, this final rule must be effective retroactively to January 1, 1983. For this reason, Robert E. Leard, the Acting Administrator, Food and Nutrition Service, has determined, pursuant to 5 U.S.C. 553 that good cause exists for making the rulemaking effective less than 30 days after publication.

Background

In the past, FNS has assumed full financial liability for coupons lost in the mail in mail issuance systems. Although mail issuances have been small in most areas using this system, some State agencies have not used adequate control measures to reduce losses. Apportioning the liability for losses between FNS and State agencies would be a strong incentive for States to implement better control measures. The Administration therefore sought legislative authority to permit sharing of liability between FNS and State agencies.

The Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97–98) in section 1312, make State agencies liable for mail issuance losses to the extent prescribed by the Secretary. This provides the basis for implementing regulations which set mail issuance loss tolerance limits.

Comment Analysis

The November 9, 1982 interim rule transfers liability to State agencies for certain mail issuance losses. Comments on the interim procedures were solicited from interested parties through December 9, 1982. The Department received 55 comment letters on the interim rule from State welfare agencies, public interest groups and other groups or individuals. This final action addresses significant issues raised by these commenters.

Setting the Tolerance Level

The interim rule makes State agencies liable, effective January 1, 1983, for the value of mail issuance losses which exceed 0.5 percent of the dollar value of project areas' total quarterly mail issuances in areas with $300,000 or more of mail issuance in a quarter. Areas with less than $300,000 of mail issuances in a quarter are subject to a dollar tolerance of $1,500 per quarter for mail issuance losses.

Nearly every commenter opposed the 0.5 percent tolerance level, stating that it was unrealistic to expect areas within a State which have loss rates over or at the national average loss rate of 0.86 percent to accomplish such a significant reduction in their loss rate within the time provided by the interim rule.

Suggestions by commenters for resolving this issue included raising the tolerance level to 0.75 percent or 0.86 percent, or to assess liability based on Statewide loss rates rather than project area loss rates.

These same commenters also objected to placing the rules in effect on January 1, 1983. They argued that more time should be provided for State agencies to initiate corrective action to reduce their loss rates and avoid sanctions. Some commenters recommended that implementation of the rule be delayed until April 1, 1983.

The Department has decided to delay application of the 0.5 percent tolerance level for areas with $300,000 or more of quarterly mail issuances until the first quarter of fiscal year 1984. Meanwhile, the Department requires that a tolerance level of 0.75 percent be met for the last three quarters of fiscal year 1983. An

0.75 percent tolerance level was chosen because preliminary reports for fiscal year 1983 indicate that the national average mail issuance loss rate is dropping and may drop from 0.86 percent to 0.75 by the end of the fiscal year. We are also making the conforming change to the dollar tolerance level for areas with less than $300,000 of mail issuance in a quarter, from $1500 (0.5 percent of $300,000) to $2250 (0.75 percent of $300,000) for the remainder of fiscal year 1983.

Additionally, the Department has decided to allow an additional quarter for individual areas within a State to reduce their loss rates before sanctions are imposed, provided the Statewide loss rate is under the tolerance level. This final rule provides that in States in which the Statewide loss rate, for the fiscal quarter which began January 1, 1983 is under the 0.75 percent tolerance level, but some individual mail issuance reporting areas within the State are over tolerance, the State agency will have until the end of the third fiscal quarter of 1983 (April, May, June 1983) to bring those individual areas into compliance with the 0.75 percent tolerance. For these reporting units, FNS will assess liabilities beginning with the following quarter and each quarter thereafter for losses which exceed the tolerance levels.

The Department is confident that the combination of raising the tolerance level for fiscal year 1983, and allowing a grace period before sanctions are imposed in areas above tolerance when the Statewide loss rate is under tolerance, sufficiently responds to the concerns of a majority of the commenters while retaining the Department's efforts to improve program operations in the area of mail issuance, and to control program costs.

Low Volume Mail Issuance Areas

The interim rule provides that in areas where the total mail issuances are less than $300,000 per quarter, an actual dollar loss tolerance of $1,500 per quarter is imposed. Areas with issuances of $300,000 or more per quarter are subject to the percentage tolerance when assessing liability for mail issuance losses.

A few commenters objected to $300,000 as the breaking point for switching from a dollar tolerance to a percentage tolerance level. Others objected to the $1,500 as the quarterly dollar tolerance level. Commenters expressed concern that the levels do not take into account urban/rural differences. Alternative dollar levels suggested by commenters included: $200,000 or $500,000 as the breaking point level and $2,000, $2,500, or $3,000 as the quarterly loss tolerance level.

The Department is not changing either aspect of the level. The Department was not concerned with geographical alignment of an area in setting the two levels. Our concern was with the volume of issuances. Under a percentage tolerance, an area with a low volume of issuance which lost a single allotment could be faced with a large liability. The Department believes the $300,000 and $1,500 levels are a reasonable attempt to avoid such situation in a majority of the cases. Therefore, the $300,000 level is adopted by this final rule unchanged. The $1,500 (which represents 0.5 percent of $300,000) is adopted for fiscal year 1984 as explained earlier in this preamble.

Several commenters recommended that an inflation factor be built into the $300,000 and $1,500 levels to account for higher dollar totals of mail issuances when allotments are raised due to annual cost-of-living adjustments. The Department does not foresee this as a significant problem at this time. The next cost-of-living adjustment is not due to occur (under current law) until October 1, 1983, at which time all areas are required to be in compliance with the tolerance limits. Therefore, cost-of-living adjustments would not have an impact on liabilities unless State agencies fail to meet and continue to stay within the tolerance. We will keep a close watch on cost-of-living adjustments and their effect of mail issuance liability. If such adjustments pose serious problems, we will reexamine this issue.

Issuance Loss Reporting

The interim rule provides that FNS will assess liability for mail issuance losses based on reports submitted from reporting units at a level below that of the State agency.

The majority of comments received on this provision of the interim rule requested that losses be based on Statewide reports of mail losses. The final rule adopts unchanged the requirement that liabilities for mail issuance losses be based on losses reported at a level below that of the State agency.

As pointed out in the preamble to the interim rule, establishment of a mail issuance loss tolerance system is not only intended to hold State agencies liable for a portion of high issuance losses, but also to improve program operations by identifying areas where mail issuance is inappropriate, where it should be restricted to certain participant groups, or where alternative issuance systems should be considered. It is difficult to identify such areas when mail issuance data is reported on a Statewide basis.

One commenter suggested that State agencies note on Form FNS–259 (Mail Issuance Report) those nondelivered coupons for which replacements were not made. While State agencies are currently required to maintain records on the value and number of nondelivered coupons which have been returned to the State agency, they are not required to specifically note such information on the FNS–259 report form. The Department believes that it would enhance the accuracy of mail issuance reporting to identify nondelivered coupons for which replacements have or have not been made on the FNS–259 report form. The Department will make provision for the reporting of such information on the revised form FNS–259 being developed to facilitate automation of the mail issuance reporting and sanctioning requirements of this rule.

One commenter suggested that a definition of "mail loss" be incorporated in the rule. The Department has adopted this suggestion. The rule defines "mail loss" as "all replacements of mail issuances except for replacements of returned mail issuances." To alleviate any confusion, the final rule also defines "mail issuance" as all original coupon issuances distributed through the mail.

The remainder of the comments received on this area of the interim rule recommended various other changes to the FNS–259 report form and/or the accompanying instructions for completion of the form. FNS will examine the changes recommended for feasibility and necessity. As specified in the interim rule, FNS reserves the right to make all final determinations on the reporting requirements for mail issuance losses. Any revisions to the reporting requirements will be communicated to the State agencies.

Assessing Liability Amount and Billing

The interim rule provides that FNS will determine State agency liability for mail losses over the tolerance on a quarterly basis and that the State agency will be billed for liabilities semiannually.

The Department received only one comment on the issue of quarterly reporting. That commenter requested that a monthly report be submitted for assessment purposes, stating that too much time elapses between reporting losses and deducting the loss. The Department does not want to increase the reporting burden of State agencies any more than is absolutely necessary.

The Department believes that assessing liability on a quarterly basis is sufficient for the purpose of the rule and is retaining the use of quarterly assessment and reporting in this final rule.

The preamble of the interim rule specified that billing to State agencies would be on a semiannual basis. The Department received only two comments on this issue. The commenters favor semiannual billing. However, one commenter had thought the billing would be quarterly. To avoid confusion, the final rule incorporates the semiannual billing requirement into the regulations.

Grace Period for Areas Newly Implementing Mail Issuance Systems

The interim rule provides that those areas newly implementing a mail issuance system will be subject to a tolerance level of 1 percent for high-volume areas, or $3,000 for low-volume areas, for the first quarter during which the system is implemented. The Department specifically solicited comments on this provision.

The Department received only a few comments on this provision of the interim rule. The majority of those commenting recommended that the provision be eliminated. Commenters contended, and the Department agrees, that areas wishing to implement a mail issuance system should thoroughly analyze the system they intend to operate and ensure that it will work properly before implementing its use. The final rule eliminates the grace period for areas newly implementing a mail issuance system.

Other

Several comments recommended that State agencies not be held accountable for mail issuance losses directly related to Postal Service operations. The Department will carefully examine Postal Service responsibilities in this regard and reexamine this issue in light of our findings to determine if regulatory changes are needed.

Several commenters expressed concern that State agencies may choose to abandon mail issuance rather than face a possible sanction. Several other commenters suggested that the tolerance levels should be established in relation to cost-effectiveness ratios of the various options for food stamp issuance systems. It is not the intent of the mail issuance tolerance rules to force State agencies to abandon mail issuance where it is truly practicable and cost-effective to use. The Department believes that it is not sound program management, nor is it truly cost effective and practicable, to condone the use of mail issuance in areas that run a high risk of loss simply because mail issuance is less costly and more convenient than other issuance systems to operate. In fact, it may be more cost effective in the long run for such State agencies to switch to another type of issuance system, even though more costly to operate, as any decrease in the value of coupons lost will result in a savings at both the Federal and State level.

Cost effectiveness cannot be measured by simply comparing mail issuance losses against increased transaction costs of issuing coupons under a different issuance system. Several commenters offered such an analysis in their letters. A true cost benefit analysis must cost-out all fees and other operational costs of one system (including cost associated with reconciliation, replacements, etc.), plus losses compared to all fees and operational costs of mail issuance, plus losses. Because of the significantly higher operational costs in systems other than mail issuance systems, losses would have to be extremely high under mail issuance to warrant a State agency switching to an alternative issuance system. In most of these cases, the implementation of corrective action will reduce mail losses thereby leaving mail issuance as the more attractive system. Where corrective action cannot be used to reduce the significantly high mail losses, a switch to an alternative system is appropriate.

Note.—Paragraph (b)(2)(v) of 7 CFR 276.2 which was added to regulations in accordance with the November 9, 1982 interim rule is adopted as final unchanged in the form originally set forth in the interim rule. However, the paragraph is set out below along with paragraphs that are being amended or revised by this final action for the convenience of the reader.

List of Subjects

7 CFR Part 272

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

7 CFR Part 274

Administrative practice and procedure, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 276

Administrative practice and procedure, Food stamps, Fraud, Grant programs—social programs, Penalties.

Therefore, 7 CFR Parts 272, 274 and 276 are amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, paragraph (g)(49) is revised to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(49) *Amendment No. 245.* The mail issuance loss rates of 0.75 percent and $2,250 are effective January 1, 1983. The mail issuance loss rate of 0.5 percent and $1,500 are effective October 1, 1983. For the second quarter of fiscal year 1983 only, FNS will look at Statewide loss rates and the loss rates of individual reporting units within the State. Where the loss rate for individual reporting units within the State is over the tolerance in that quarter and the Statewide loss rate is also over tolerance, FNS will assess liability for losses exceeding the tolerance reported for the second quarter of 1983. Where the loss rate for individual reporting units within a State are over tolerance for the second quarter, but the Statewide loss rate is under tolerance, State agencies shall have one additional quarter (the third Fiscal Year 1983 quarter) to bring such individual reporting units' loss rates into compliance with the tolerance levels. Thus for these reporting units, FNS will assess liability beginning with the fourth quarter of fiscal year 1983 and each quarter thereafter for losses which exceed the tolerance levels, regardless of Statewide loss rate. FNS will bill State agencies for losses on a semiannual basis.

* * * * *

PART 274—ISSUANCE AND USE OF FOOD COUPONS

2. In § 274.3, paragraph (c)(4) is revised in its entirety to read as follows:

§ 274.3 Issuance of coupons through the mail.

* * * * *

(c) *Coupons lost in the mail prior to receipt.* * * *

(4) FNS will assume financial liability for coupons lost in the mail except as follows:

(i) In mail issuance reporting areas with $300,000 or more of mail issuance in a quarter, the State agency shall be strictly liable to FNS for the value of all mail issuance losses in excess of 0.75 percent during the 2nd, 3rd, and 4th quarters of fiscal year 1983, and in excess of 0.5 percent per quarter thereafter, of the dollar value of each reporting unit's quarterly mail issuance.

(ii) In mail issuance reporting areas with less than $300,000 of mail issuance in a quarter, the State agency shall be strictly liable to FNS for the value of all mail issuance losses in excess of $2,250 per quarter during the 2nd, 3rd and 4th quarters of fiscal year 1983 and $1,500 per quarter thereafter.

(iii) For the purpose of this section, "mail issuance" means all original coupon issuances distributed through the mail. "Mail loss" means all replacements of mail issuances except for replacements of returned mail issuances.

(iv) The liability shall be computed using data from form FNS–259, *Mail Issuance Loss Report*, or other reporting document agreed to by FNS and the State agency, which is submitted for the quarter for the particular administrative division below the State agency level agreed to by FNS and the State agency as the reporting unit.

(v) Where the State agency reports mail issuance loss data on Statewide losses only, the State agency shall work in consultation with FNS to identify a particular administrative division below that of the State agency that will permit reporting and computation of mail issuance losses and liability assessment. FNS reserves the right to make the final determination on reporting requirements and on administrative divisions within the State for the purpose of determining and assessing liability for mail issuance losses. FNS also reserves the right to revise such determinations as necessary. Revisions will be communicated to State agencies by FNS. Liability assessment will be based on the revised reporting requirements for the next full fiscal quarter.

* * * * *

PART 276—STATE AGENCY LIABILITIES AND FEDERAL SANCTIONS

3. In § 276.2 paragraph (b)(2)(v) is revised to read as follows:

§ 276.2 State agency liabilities.

* * * * *

(b) *Coupon shortages, losses, unauthorized issuance and overissuances.* * * *

(2) * * *

(v) Mail issuance losses that exceed either of the appropriate tolerance levels set forth in § 274.3(c)(4) if applicable.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Programs No. 10. 551, Food Stamps).

Dated: March 31, 1983.

John H. Stokes III,

Acting Administrator.

[FR Doc. 83-9012 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-30-M

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7 CFR Part 295

Availability of Information and Records to the Public

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This action updates the Food and Nutrition Service, Freedom of Information access procedures contained in 7 CFR Part 295 as required by the Freedom of Information Act and 7 CFR 1.4. The revised information mainly reflects changes in office addresses and locations.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph M. Scordato, Freedom of Information Officer, Administrative Services Division, Food and Nutrition Service, USDA, Alexandria, Va. 22302 (703–756–3234).

SUPPLEMENTARY INFORMATION: The Food and Nutrition Service has determined that this rule is not a major rule in the context of Executive Order 12291, because it is not likely to result in an annual effect on the economy of $100 million or more, cause significant increase in costs to consumers or others, or have any other significant adverse effects. This rule will not have a significant economic impact on small entities as defined in the Regulatory Flexibility Act and contains no reporting and recordkeeping requirements subject to review by OMB under the paperwork Reduction Act of 1980.

It is impractical and unnecessary to follow the proposed rule making and public participation procedure of the Administrative Procedure Act since this action only updates locations and addresses.

List of Subjects in 7 CFR Part 295

Freedom of Information.

Accordingly, 7 CFR Part 295 is revised as follows:

PART 295—AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC

Sec.

295.1 General statement.
295.2 Organizational description.
295.3 Informational and educational publications.
295.4 Nutrition education and training status reports.
295.5 Program evaluation status reports.
295.6 Program statistical reports.
295.7 Public inspection and copying.
295.8 Indexes.
295.9 Requests.
295.10 Appeals.

Authority: 5 U.S.C. 301, 552; 7 CFR 1.1–1.16.

§ 295.1 General statement.

This part is issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR 1.1–1.16, and Appendix A, implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations as implemented by the regulations in this part, govern the availability of records of FNS to the public.

§ 295.2 Organizational description.

The description of the central and field organization of FNS is published as a notice in the **Federal Register** and may be revised from time to time in like manner. Such description contains a listing of FNS Washington and field organizational units and their functions.

§ 295.3 Informational and educational publications.

FNS publishes a wide variety of informational and educational periodicals, pamphlets, brochures, leaflets, guides, and educational aids explaining the operation of FNS food assistance programs. For more information concerning FNS publications and how to obtain them, write the Director, Office of Public Information, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

§ 295.4 Nutrition education and training status reports.

Upon completion, FNS prepares summaries containing objectives, methodology, and findings from nutritional training and educational studies, surveys, and projects, awarded through grants, cooperative agreements or contracts with States, nonprofit institutions, universities, and private industry. A limited number of current status reports on completed studies is available for free public distribution. Write the Director, Nutrition and Technical Services Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria VA 22302.

§ 295.5 Program evaluation status reports.

FNS also publishes summaries of objectives and findings of completed studies and projects concerning evaluation of FNS food assistance programs. While supplies last, a copy of the current status report on completed studies may be obtained by writing the

Director, Office of Analysis and Evaluation, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

§ 295.6 Program statistical reports.

Current and historical information on FNS food assistance program size, monetary outlays, geographic distribution, racial and ethnic participation rates, and other data is published throughout the year. Limited supplies are available for public distribution upon request. Write the Director, Management Information Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

§ 295.7 Public inspection and copying.

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying. Such materials maintained by FNS may be inspected and copied during regular office hours (currently 8:30 a.m. to 5 p.m.) at the following FNS, Alexandria, VA offices.

(a) Child Care and Summer Program records-Director, Child Care and Summer Programs Division, Room 413, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Va. 22302.

(b) School Program records-Director, School Programs Division, Room 512, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Va. 22302.

(c) Food Distribution Program records-Director, Food Distribution Division, Room 502, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Va. 22302.

(d) Food Stamp Program records-Director, Program Planning, Development, and Support Division, Room 711, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Va. 22302.

(e) Supplemental Food Program records-Director, Supplemental Food Programs Division, Room 407, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Va. 22302.

§ 295.8 Indexes.

5 U.S.C. 552(a)(2) also requires an index of the materials required to be made available for public inspection and copying, be published quarterly. Copies of this Index for FNS materials will be maintained for public inspection and copying during regular office hours in FNS Library, Room 1002, 3101 Parker Center Drive, Alexandria, Va. 22302. Free copies of the current index may be obtained by writing or visiting the following FNS offices.

(a) Records Management Officer, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Va. 22302.

(b) Director, Financial Management, Food and Nutrition Service, USDA, Mercer Corporate Park, CN 02150 Trenton, NJ 08650.

(c) Director, Financial Management, Food and Nutrition Service, USDA, 1100, Spring St., NW, Atlanta, GA 30367.

(d) Director, Financial Management, Food and Nutrition Service, USDA, 50 E. Washington Street, Chicago, Illinois 60602.

(e) Director, Financial Management, Food and Nutrition Service, USDA, 1100 Commerce St., Dallas, Texas 75242.

(f) Director, Financial Management, Food and Nutrition Service, USDA, 550 Kearney St., San Francisco, CA 94108.

(g) Director, Financial Management, Food and Nutrition Service, USDA, 33 North Avenue, Burlington, MA 01803.

(h) Director, Financial Management, Food and Nutrition Service, USDA, 2420 W. 26th Ave., Denver, CO 80211.

§ 295.9 Requests.

Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with USDA Administrative Regulations 7 CFR 1.3(a) and addressed to the appropriate FNS official listed below:

(a) Child Care and Summer Program records—Director, Child Care and Summer Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

(b) School Program records—Director, School Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

(c) Food Distribution Program records—Director, Food Distribution Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA. 22302.

(d) Food Stamp Program records—Director, Program Planning, Development, and Support Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

(e) Supplemental Food Program records—Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

If the requester is unable to determine the official to whom his request should be addressed, he should address it to: Freedom of Information Officer, Administrative Services Division, 3101 Park Center Drive, Alexandria, VA 22302, who will refer such requests to the appropriate official. Authority is hereby designated to these officials to make determinations in accordance with USDA Administrative Regulations 7 CFR 1.4(c).

§ 295.10 Appeals.

Any person whose request for records is denied shall have the right to appeal that denial in accordance with USDA Administrative Regulations 7 CFR 1.3(e). All appeals shall be addressed to: Administrator, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

Dated: March 31, 1983.

John H. Stokes III,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 83-9065 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-30-M

Federal Crop Insurance Corporation

7 CFR Ch. IV

Crop Insurance Regulations; Extension of Sales Closing Dates

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing dates.

SUMMARY: Under the authority contained in the Federal Crop Insurance Act, as amended, the Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the closing date for accepting applications of crop insurance on those crops with March 31 and April 15 closing dates, effective for the 1983 crop year only. This action is necessary because of the delay in processing applications for the Individual Yield Coverage program and is caused by the workload created by the Payment-in-Kind (PIK) program. The intended effect of this notice is to advise all interested parties of the extension of sales closing dates and to comply with the provisions of the crop insurance regulations with respect to the authority of the Manager, FCIC, to extend closing dates.

EFFECTIVE DATE: April 8, 1983, through close of business on April 15, 1983 (for accepting applications for all areas with a March 31 closing date) and April 8, 1983, through close of business on April 30, 1983 (for accepting applications for all areas with an April 15 closing date).

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: Under the provisions of regulations contained in 7 CFR Part 400 *et seq.*, the closing

date for accepting applications for crop insurance for certain crops is March 31 and April 15. Because of a delay in FCIC's ability to process applications for Individual Yield Coverage crop insurance on certain crops created by the workload emcompassed in the Payment-in-Kind (PIK) program, FCIC is extending the sales closing dates for all areas where such sales closing dates are applicable.

Under the authority contained in regulations for insuring crops (7 CFR Part 400 *et seq.)*, the closing date for accepting applications may be extended by placing the extended date on file in the service office and by publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result during the period of such extension. If adverse conditions should develop during such period, FCIC will immediately discontinue the acceptance of applications.

Notice

Accordingly, under the authority contained in 7 CFR Part 400 *et seq.*, the Federal Crop Insurance Corporation herewith gives notice that the closing date for accepting applications for all areas with a March 31 or April 15 closing date is hereby extended, effective for the 1983 crop year only, as follows: March 31 closing date extended through close of business on April 15; April 15 closing date extended through close of business on April 30.

Done in Washington, D.C. on March 30, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: March 31, 1983.

Approved by:

Michael A. Bronson,

Acting Manager.

[FR Doc. 83-9035 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 410

[Amdt. No. 1]

Florida Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Florida Citrus Crop Insurance Regulations (7 CFR Part 410), effective for the 1984 and succeeding crop years by: (1) Replacing the present single-crop application with a multi-crop application to reduce the time and administrative requirements; (2) adding fire as an insurable cause of loss; (3) prescribing interest rates to be charged when premium payments are not made within a certain time; (4) requiring the insured to file a notice of loss when the crop is damaged to the extent that a loss is probable, and leave a representative sample of the unharvested crop, and; (5) making minor language corrections to the policy. The intended effect of this amendment is to restore a provision in the regulations regarding losses from fire, improve the debt management practices of FCIC, revise the system of reporting damage to insured crops, and simplifying the application and policy to make them easier to understand.

DATES: Effective Date: April 8, 1983. Comment Date: Written comments, data, and opinions on this interim rule must be submitted by not later than June 7, 1983, to be sure of consideration.

ADDRESS: Written comments on this interim rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3325.

The Impact Statement describing the options considered in developing this interim rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in these regulations (7 CFR Part 410) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981).

Merritt W. Sprague, Manager, FCIC, has determined that: (1) This action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has been determined that this action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). The sunset review date established for these regulations is January 1, 1988.

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

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants publication of this rule without providing a period of public comment prior to its publication because the regulations, and any amendments thereto, must be placed on file in the service office not later than 15 days prior to the cancellation date of April 15 in order to be effective for the crop year. There would not be sufficient time to permit a public comment period and comply with the regulations with respect to placing these regulations on file by April 1. Public comment will be solicited for 60 days after publication of this rule in the **Federal Register**. This rule will be scheduled for review so that any amendments made necessary by public comment may be published in the **Federal Register** as quickly as possible.

The public is invited to submit written comments on this interim rule. Any written comments will be available for public inspection in the Office of the Manager Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250 during regular business hours, Monday through Friday.

Lists of Subjects in 7 CFR Part 410

Crop insurance, Florida citrus.

Interim Rule

PART 410—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Florida Citrus Crop Insurance Regulations (7 CFR Part 410), effective for the 1984 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR Part 410 is:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, 77, as amended (7 U.S.C. 1506, 1516)

2. Section 410.7(d) is revised to read as follows:

§ 410.7 The application and policy.

* * * * *

(d) The application for 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37 and 400.38), first published at 48 FR 1023, January 10, 1983, and may be amended from time to time for subsequent crop years. The provisions of the Florida Citrus Insurance Policy for the 1984 and succeeding crop years, are as follows:

Florida Citrus Crop Insurance Policy

(This is a continuous contract. Refer to Section 15)

Agreement to Insure: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of citrus fruit resulting from freeze, hail, fire, hurricane or tornado occurring within the insurance period, unless those causes are excepted, excluded, or limited by the actuarial table or section 9k.

b. We shall not insure against

(1) Any damage to the blossoms or trees; or

(2) Any cause of loss or damage due to:

(a) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(b) The failure to follow recognized good grove management practices; or

(c) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured shall be any of the following insurable citrus types you elect:

Type I—Early and mid-season oranges;

Type II—Late oranges;

Type III—Grapefruit under which freeze damage shall be adjusted on a juice basis for white grapefruit and on a fresh fruit basis for pink and red grapefruit;

Type IV—Navel oranges, tangelos and tangerines;

Type V—Murcott honey orange (also known as Honey tangerines) and temple oranges;

Type VI—Lemons;

Type VII—Grapefruit under which freeze damage shall be adjusted on a fresh basis for all grapefruit;

and located on insured acreage and for which we provide an amount of insurance and premium rate on the actuarial table. "Meyer lemons" and oranges commonly known as "Sour oranges", and "Clementines" shall not be included in any of the insurable types of citrus. When you insure grapefruit, you may elect to insure them as either Type III or Type VII only.

b. The acreage insured for each crop year shall be that citrus located on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured citrus crop at the time insurance attaches.

d. We do not insure any acreage:

(1) On which the citrus fruit can not be expected to mature each crop year in the normal maturity period for the type;

(2) On which the trees have not reached at least the tenth growing season after being set out, unless otherwise provided on the actuarial table; or

(3) Of Robinson tangerines, for any crop year, which you have elected to exclude from insurance prior to April 30 immediately preceding the crop year for which exclusion is to become effective.

e. Upon our approval, you may elect to insure or exclude from insurance for any crop year any insurable acreage which has a potential of less than 100 boxes per acre. If you:

(1) Elect to insure such acreage, we shall increase the potential to 100 boxes per acre when determining the amount of loss;

(2) Elect to exclude such acreage, it shall be disregarded for all purposes related to this contract; or

(3) Do not report or exclude such acreage:

(a) It shall be disregarded if the production is less than 100 boxes per acre; or

(b) If the production from such acreage is 100 or more boxes per acre, we shall determine the percent of damage on all of the insurable acreage for the unit, but shall not allow the percent of damage for the unit to be increased by including such acreage.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

g. We may exclude acreage from insurance or limit the amount of insurance on any acreage which was not insured the previous crop year.

3. Report of acreage, share, and where applicable, practice.

You shall report on our form:

a. All the acreage of insured citrus in the county in which you have a share;

b. The practice; and

c. Your share.

You shall designate separately any acreage that is not insurable or excluded under section 2e. You shall report if you do not have a share in any insured citrus in the county. This report shall be submitted annually on or before May 1. If you do not submit this report by this date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Amounts of insurance.

a. The amounts of insurance shall be contained in the actuarial table.

b. You may change the amount of insurance before the closing date (contained in the actuarial table) for submitting applications for the crop year.

5. Annual premium.

a. The annual premium is earned and payable at the time insurance attaches (See 7a). The amount is computed by multiplying the amount of insurance times the premium rate, times the insured acreage, times your share at the time insurance attaches, times the applicable premium adjustment percentage shown in the following table.

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE [1]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00-.20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21-.40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41-.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61-.80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81-1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

PERCENTAGE ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE [1]

Loss ratio [2] through previous crop year	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10–1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20–1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40–1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70–1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00–2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50–3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25–3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00–4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00–5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00–Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years." (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the grove operation; or

(3) Your contract if you stop grove operations in one county and start grove operations in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies, unless prohibited by law.

7. Insurance Period.

a. Insurance attaches on insured acreage on May 1 for each crop year except that for the first crop year if the application is accepted by us after May 1, insurance shall attach on the later of May 1 or the tenth day after the application is received in service office.

b. Insurance ends at the earliest of:

(1) Total destruction of the insured citrus;

(2) Harvest; or

(3) The date shown below immediately following the beginning of the crop year:

(a) Tangerines and Navel oranges—January 31;

(b) Lemons, tangelos, early and mid-season oranges—April 30;

(c) Late oranges, grapefruit, Temple and Murcott Honey oranges—the second June 30.

8. Notice of Damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice of:

(a) The date(s) of damage; and

(b) The cause(s) of damage.

(2) If an indemnity is to be claimed on any unit, you must give us notice:

(a) At least 15 days before the beginning of harvest if you anticipate a loss on any unit. If probable loss is later determined or if damage occurs during harvest, immediate notice shall be given; or

(b) By the calendar date for the end of the insurance period if harvest will not begin by that date.

c. You must obtain written consent from us before you destroy any of the insured citrus which is not to be harvested.

d. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit shall be submitted to us on our prescribed form not later than 60 days after the earliest of:

(1) total destruction of the insured citrus on the unit;

(2) harvest of the unit; or

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

b. We shall not pay any indemnity unless you:

(1) Establish the total production of citrus on the unit and that any damage has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Computing the average percent of damage to the citrus which (without regard to any percent of damage arrived at through prior inspections) shall be the ratio of the number of boxes of citrus lost from an insured cause to the potential. Citrus shall be considered undamaged potential if it:

(a) Is or could be marketed as fresh fruit;

(b) Is harvested prior to an inspection by us; or

(c) Is harvested within 7 days after a freeze;

(2) Multiplying the result in exess of 10 percent (e.g., 45%–10%=35% payable) times the amount of insurance for the unit (the amount of insurance for the unit is determined by multiplying the insured acreage on the unit times the applicable amount of insurance per acre); and

(3) Multiplying this product by your share.

d. Pink and red grapefruit of citrus Type III and citrus of Types IV, V, and VII which are seriously damaged by freeze as determined by a fresh fruit cut of a representative sample of fruit in the unit in accordance with the applicable provisions of the Florida Citrus Code and is not or could not be marketed as fresh fruit shall be considered damaged to the following extent:

(1) If 15 percent or less of the fruit in a sample shows serious freeze damage, the fruit shall be considered undamaged; or

(2) If 16 percent or more of the fruit in a sample shows serious freeze damage, the fruit shall be considered 50 percent damaged, except that:

(a) For tangerines of citrus Type IV, damage in excess of 50 percent shall be the actual percent of damaged fruit; and

(b) For other applicable varieties, if we determine that the juice loss in the fruit exceeds 50 percent, the amount so determined shall be considered the percent of damage.

e. Notwithstanding the provisions of 9d, as to any pink and red grapefruit of Type III and citrus of Types IV, V, and VII in any unit which is mechanically separated (using the specific gravity "floatation" method) into undamaged and freeze-damaged fruit, the amount of damage shall be the actual percent of freeze-damaged fruit not to exceed 50 percent and shall not be affected by subsequent fresh-fruit marketing. The 50 percent limitation on freeze-damaged fruit mechanically separated, shall not apply to tangerines of citrus Type IV.

f. Any citrus of Types I, II, VI, and white grapefruit of Type III which is damaged by freeze, but may be processed by canning or processing plants, shall be considered as marketable for juice. The percent of damage shall be determined by us by relating the juice content of the damaged fruit as determined by test house analysis to:

(1) The average juice content established by us based on acceptable records furnished by you showing the juice content of fruit

produced on the unit for the three previous crop years; or

(2) The juice content for that type fruit established on the actuarial table if acceptable records are not furnished.

g. Any citrus on the ground which is not picked up and marketed shall be considered 90 percent lost if the damage was due to freeze and totally lost if the damage was due to any other insured cause.

h. Any citrus which is unmarketable either as fresh fruit or for juice because it is immature, unwholesome, decomposed, adulterated, or otherwise unfit for human consumption due to an insured cause shall be considered totally lost.

i. Pink and red grapefruit of citrus type III and citrus of Types IV, V, and VII which are unmarketable as fresh fruit due to serious damage from hail as defined in U.S. Standards for grades of Florida fruit shall be considered totally lost.

j. Citrus lost due to hurricane or tornado shall be the amount of citrus blown from the trees or which falls from the trees as a result of such damage and which is not picked up from the ground and marketed.

k. When you have elected to exclude hail and fire as insured causes of loss insurance and the citrus is damaged by hail or fire, appraisals shall be made in accordance with the terms of Form FCI–78 "Request to Exclude Hail and Fire."

l. The production of units commingled shall be allocated to such units in proportion to the liability on each unit.

m. You shall not abandon any insured citrus acrage to us.

n. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

o. We shall pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

p. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

q. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by us.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may only assign to another party the right to an indemnity for the crop year on our prescribed form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from some one other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and access to grove.

You shall keep for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all citrus produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by us shall have access to such records and the grove for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract on any citrus type may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim shall be the date you sign such claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination for indebtedness dates are April 30.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your amount of insurance is no longer offered, the actuarial table shall provide the amount of insurance which you shall be deemed to have elected. All contract changes shall be available at your service office by April 1 preceding the crop year. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purpose of Florida citrus crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amounts of insurance, premium rates, practices where applicable, insurable and uninsurable acreage, and related information regarding citrus insurance in the county.

b. "Box" means a standard field box as prescribed in the Florida Citrus Code.

c. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

d. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

e. "Crop year" means the period beginning May 1 and extending through June 30 of the following year and shall be designated by the calendar year in which the insurance period ends.

f. "Harvest" means the severance of citrus fruit from the tree either by pulling, picking, or severing by mechanical or chemical means or the picking up the marketable fruit from the ground.

g. "Insurable acreage" means the land classified as insurable by us and shown as such on the actuarial table.

h. "Insured" means the person who submitted the application accepted by us.

i. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

j. "Potential"means production:

(1) Which would have been produced before damage occurred and shall include citrus which:

(a) Was picked before damage occurred;

(b) Remained on the tree after damage occurred;

(c) Was lost from an insured cause; and

(d) Was lost from an uninsured cause.

(2) The potential shall include not less than the product of 100 boxes per acre multiplied by the number of acres in the unit. *However*, if 20 percent or more of any insured citrus acreage within the unit has a potential of less than 100 boxes per acre, we may increase the potential on such acreage to 100 boxes per acre.

(3) The potential shall not include:

(a) Citrus lost before insurance attaches for any crop year;

(b) Citrus lost by normal dropping; or

(c) Any tangerines we determine normally would not, by the end of the insurance period for tangerines, meet the 210 pack size (2 inch minimum diameter) under United States Standards.

k. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

l. "Tenant" means a person who rents land from another person for a share of the citrus or a share of the proceeds therefrom.

m. "Unit" means all insurable acreage in the county of any one of the citrus types referred to in section 2, located on contiguous land on the date insurance attaches for the crop year and:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the citrus on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between us and you. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of or reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

Approved by the Board of Directors on February 23, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

Dated: April 4, 1983.

[FR Doc. 83-9249 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 414

[Amdt. No. 2]

Forage Seeding Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Forage Seeding Crop Insurance Regulations (7 CFR Part 414), effective for the 1984 and succeeding crop years by: (1) Replacing the present single-crop application by a multi-crop application to reduce the time and administrative requirements; (2) adding a modified version of the 60-day claim for indemnity provision adapted to forage seeding crop insurance; (3) adding a hail/fire provision (for use in appraisals for uninsured causes); (4) changing the cancellation and termination for indebtedness dates; and, (5) revising the unit definition to provide for unit determination when the acreage report is filed. In addition to these changes, and applicable only in New York State, the following changes are proposed: (6) providing that the insured crop now includes acreage reseeded before the final spring seeding date; (7) providing that a notice must be given if the acreage is to be reseeded by the final spring seeding date; and, (8) adding a 50 percent reduction in indemnity on spring-seeded acreage with a 55–75 percent of a normal stand. The intended effect of this amendment is to restore a provision dealing with hail and fire coverage, revise the system of determining units, and revise the procedures involving spring-seeded acreage and reseeding practices.

DATES: Effective April 8, 1983. Comment Date: Written comments, data, and opinions on this proposed rule must be submitted not later than June 7, 1983 to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447–3325.

The Impact Statement describing the option considered in developing the rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in these regulations (7 CFR Part 414) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981).

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has been determined that this action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). The sunset review date established for these regulations is January 1, 1988.

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

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants publication of this rule without a period for public comment prior to its publication because the regulations contained in 7 CFR Part 414 provide that the regulations, or any amendments thereto, must be placed on file in the service office 15 days prior to the cancellation date. The earliest such cancellation date is April 15; therefore, there would not be sufficient time to permit a public comment period and comply with the regulations with respect to notifying policyholders of changes. Public comment is solicited for 60 days after publication of this rule in the **Federal Register**. This rule will be scheduled for review so that any amendments made necessary may be published in the **Federal Register** as soon as possible thereafter. All written comments made pursuant to this rule

will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250 during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 414

Crop insurance, Forage seeding.

Proposed Rule

PART 414—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Corp Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the Forage Seeding Corp Insurance Regulations (7 CFR Part 414), effective for the 1984 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR Part 414 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, 77, as amended (7 U.S.C. 1506, 1516)

2. Section 414.7(d) is revised to read as follows:

§ 414.7 The application and policy.

* * * * *

(d) The application for 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37 and 400.38), first published at 48 FR 1023, January 10, 1983, and may be amended from time to time for subsequent crop years. The provisions of the Forage Seeding Insurance Policy for the 1984 and succeeding crop years, are as follows:

Forage Seeding Crop Insurance Policy

84–9

(This is a continuous contract. Refer to Section 15)

2–28–83

Agreement to Insure: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of or failure to establish a stand of forage resulting from adverse weather conditions, fire, insects, plant disease, wildlife, earthquake, or volcanic eruption occurring within the insurance period, unless those causes are excepted, excluded, or limited by the actuarial table or section 9h.

b. We shall not insure against any cause of loss of production due to:

(1) the neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) the failure to follow recognized good forage seeding practices;

(3) damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(4) any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The corp insured shall be forage seeded or reseeded the calendar year following seeding to establish a stand of forage intended for harvest as livestock feed; which is seeded on insured acreage; and for which we provide an amount of insurance and premium rate on the actuarial table (hereafter called the crop).

b. The acreage insured for each crop year shall be that acreage seeded to the crop on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured crop at the time of seeding.

d. We do not insure any acreage:

(1) where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(2) which is irrigated and an irrigated practice is not provided for on the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(3) which is destroyed and we determine it is practical to reseed to the crop and such acreage was not reseeded;

(4) initially seeded after the final seeding date contained in the actuarial table;

(5) of volunteer forage;

(6) seeded to a type, variety or mixture not established as adapted to the area or excluded on the actuarial table;

(7) seeded with another crop (excluding nurse crops); or

(8) seeded for the development or production of hybrid seed or for experimental purposes.

e. Where insurance is provided for an irrigated practice:

(1) you shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good forage seeding irrigation practice at the time of seeding; and

(2) any loss of production caused by failure to carry out a good forage seeding irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of seeding, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to seeding.

3. Report of acreage and share.

You shall report on our form:

a. all the acreage of forage seeding and reseeding in the county in which you have a share; and

b. your share at the time of seeding or reseeding. You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any forage seeding or reseeding in the county. This report shall be submitted annually on or before the reporting date established in the actuarial table. We shall have the right to determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage and share or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Amounts of insurance.

a. The amounts of insurance shall be contained in the actuarial table.

b. You may change the amount of insurance on or before the closing date contained in the actuarial table for submitting applications for the crop year.

5. Annual premium.

a. The annual premium is earned and payable at the time of seeding. The amount is computed by multiplying the amount of insurance times the premium rate, times the insured acreage, times your share at the time of seeding, times the applicable premium adjustment percentage shown in the following table.

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE [1]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [1] through previous crop year																
.00–.20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21–.40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE [1]—Continued

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
.41-.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61-.80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81-1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

PERCENTAGE ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE [1]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10-1.19	100	100	100	102	104	106	103	110	112	114	116	118	120	122	124	126
1.20-1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40-1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70-1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00-2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50-3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25-3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00-4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00-5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00-Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) the contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies, unless prohibited by law.

7. Insurance period.

Insurance attaches at the time of seeding and ends at the earliest of:

a. total destruction of the crop;

b. harvest of the forage crop if not reseeded;

c. final adjustment of a loss;

d. May 21 following the calendar year of seeding for spring-seeded forage; or

e. October 15 following the calendar year of seeding for fall-seeded forage.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) during the period before harvest, the crop on any unit is damaged and you decide:

(i) not to further care for the crop; or

(ii) to reseed the acreage in the spring by the final seeding date for spring-seeded acreage; or

(b) you want to consent to put the acreage to another use. Insured acreage may not be put to another use until we have appraised the crop and given written consent. We shall not consent to another use until it is too late to reseed. You must notify us when such acreage is put to another use.

(2) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earlier of:

(a) total destruction of the crop on the unit; or

(b) the calendar date for the end of the insurance period.

b. You must be given written consent by us before you destroy any of the crop which is not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit shall be submitted to us on our prescribed form not later than 60 days after the earliest of:

(1) total destruction of the crop on the unit; or

(2) the calendar date for the end of the insurance period.

b. we shall not pay any indemnity unless you:

(1) establish the acreage seeded on the unit and that any loss has been directly caused by one or more of the insured causes during the insurance period; and

(2) furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Multiplying the insured acreage by the amount of insurance;

(2) subtracting therefrom the total amount obtained by multiplying the sum of the acres with an established stand plus 10 percent of the seeded acres for the unit; and

(3) multiplying this result by your share.

d. If the information reported by you results in:

(1) a lower premium than the actual premium determined by us, the indemnity shall be reduced proportionately; or

(2) a lower amount of liability than the actual amount of liability determined by us, we may reduce the indemnity proportionately.

e. The acres with an established stand shall be determined by us and shall include:

(1) acreage which we determine has at least 75 percent of a normal stand;

(2) acreage abandoned or put to another use without our prior written consent;

(3) acreage damaged solely by an uninsured cause; or

(4) acreage which is harvested and not reseeded.

f. The amount of indemnity on any spring-seeded acreage determined in accordance with section 9b shall be reduced 50 percent if we determine the stand is less than 75 percent but more than 55 percent of a normal stand.

g. A reseeding payment shall be made on any insured fall-seeded acreage with less than a 75 percent stand on which we have given written consent to reseed and which is reseeded in the next succeeding spring by the final spring seeding date. The amount of the

reseeding payment shall be equal to 50 percent of the amount of indemnity determined in accordance with section 9b.

h. When you have elected to exclude hail and fire as insured causes of loss and the crop is damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with the terms of Forem FCI-78, "Request to Exclude Hail and Fire."

i. You shall not abandon any insured forage seeding acreage to us.

j. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

k. We shall pay the loss within 30 days after we reach agreement with you or entity of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

l. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the seeding for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

m. If you have other fire insurance and fire damage occurs during the insurance period and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) the amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) the amount determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by us.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year on our prescribed form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and access to farm.

You shall keep for two years after the time of loss, records of the seeding on each unit including separate records showing the same information for seeding on any uninsured acreage. Any persons designated by us shall have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim shall be the date you sign such claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are:

State	Cancellation and termination date for indebtedness
New York	July 31.
All other states	April 15.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless a written partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your amount of insurance is no longer offered, the actuarial table shall provide the amount of insurance which you shall be deemed to have elected. All contract changes shall be available at your service office by the December 31 before the cancellation date in those counties with an April 15 cancellation date and by April 30 of the crop year for which the changes are to be effective. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of forage seeding crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amounts of insurance, premium rates, insurable and uninsurable acreage, and related information regarding forage seeding insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

c. "Crop year" means the period within which the seeding is or normally would become established and shall be designated by the calendar year in which the seeding is made for spring-seeded acreage and the next succeeding calendar year for fall-seeded acreage.

d. "Harvest" means the severance of the forage plant from the land for the intended use as livestock feed.

e. "Insurable acreage" means the land classified as insurable by us and shown as such on the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

h. "Reseed" means the mechanical incorporation of seed into the soil at not less than 50 percent of the original seeding rate.

i. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

j. "Tenant" means a person who rents land from another person for a share of the crop or a share of the proceeds therefrom.

k. "Unit" means all insurable acreage of either fall-seeded or spring-seeded forage in the county on the date of seeding for the crop year:

(1) in which you have a 100 percent share; or

(2) which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, fixed commodity payment, or any consideration other than a share in the crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between us and you. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to

applicable guidelines when adjusting a loss and we may consider any acreage and share of or reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

Approved by the Board of Directors on February 23, 1983.

Dated: April 4, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 83-9248 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 406]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period April 10-16, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: April 10, 1983.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1982-83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on April 5, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is easier than that of the previous week.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.706 is added as follows:

§ 910.706 Lemon regulation 406.

The quantity of lemons grown in California and Arizona which may be handled during the period April 10, 1983, through April 16, 1983, is established at 275,000 cartons.

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

Dated: April 7, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-9521 Filed 4-7-83; 12:08 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 80N-0322]

Temporary Exemptions From Food Labeling Requirements for Conducting Authorized Food Labeling Experiments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule establishing a procedure under which exemptions from certain food labeling requirements may be granted by FDA. This action is intended to encourage participation in authorized labeling experiments designed to provide FDA with pertinent food labeling data. These data are needed to supplement FDA's initiatives to provide consumers with more comprehensible and useful food labeling information.

EFFECTIVE DATE: April 8, 1983.

ADDRESS: Written proposals for labeling experiments should be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Edward Scarbrough, Bureau of Foods (HFF-204), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3117.

SUPPLEMENTARY INFORMATION: FDA is encouraging industry to conduct voluntary experiments for testing different concepts of presenting nutrition information. Data generated by such experiments can be useful for evaluating whether changes in current food labeling requirements are warranted and for developing a nutrition labeling format that is more comprehensible and useful to consumers.

Under current FDA regulations (21 CFR 101.9) food labels are not required to bear nutrition information, except when nutrients are added to the food or when a nutrition claim is made on labeling or in advertising for the food.

Manufacturers may also voluntarily provide nutrition information. If nutrition information is provided on a food, it must conform to the provisions of § 101.9. As a result of the food labeling hearings announced in the Federal Register of June 9, 1978 (43 FR 25296) and subsequent related proceedings, FDA recognized the need for reviewing the nutrition labeling requirements and for permitting the industry to test market reasonable alternatives. Thus, FDA recognized that exemptions from some of the current food labeling requirements would be necessary. Therefore, in the Federal Register of September 5, 1980 (45 FR 58880), FDA published a proposal to establish a procedure for FDA to grant exemptions from the requirements of 21 CFR 101.9, 101.25, 105.66, 105.67, and 105.69 to allow for food labeling experiments.

Most of the comments on the proposal supported the concept of permitting food labeling experiments. Some requested a more detailed explanation of the information that should be submitted to FDA with exemption requests. Other comments expressed concern that the procedure outlined by the proposed regulation was too stringent and inflexible. A summary of the comments to the proposal and of FDA's responses follows:

1. Three comments requested more explicit guidance regarding the type of information that should be submitted in the exemption request. Two comments expressed the opinion that the requirements for evaluating the results of food labeling experiments were not adequately defined by the regulation.

These comments did not elaborate on the types of explicit guidance they desired from FDA. FDA proposed general guidance because more precisely defined and rigid guidance would reduce the flexibility for designing and conducting labeling experiments. Experiments should be designed to provide FDA with statistically valid data, and experimentors should collaborate with FDA to determine the appropriateness of the experimental design and of the proposed techniques for evaluating the results of the experiment.

2. Two comments were concerned that the proposal seemed to be confined to experimental programs offered on a limited basis in specific geographical locations. One comment contended that restricting experiments to a limited time would give no assurance that, if the experimental stage proved successful, the program could be continued. According to the comment, this would be unfair to consumers who rely on the program and would destroy incentive for the industry to commit resources to develop programs of excellence.

FDA proposed in § 101.108(b)(5) (21 CFR 101.108(b)(5)) to provide that a written proposal to undertake a labeling experiment include information on the geographic locale in which the experiment is to be conducted. No limitations on the size of the geographic area or on the size of the population to be tested were proposed. For clarification, the word "locale" in § 101.108(b)(5) has been replaced by the phrase "area or areas". Further § 101.108(b)(4) does not restrict the duration of the experiment. Parameters such as geographic area and duration should be defined in the written proposal submitted to FDA for review and should be selected to achieve the objectives of the experiment. The requirement of the regulation to provide information on these parameters is not directed toward limiting the scope of the experiment but is necessary for identifying the type of information FDA will use to evaluate the experiment. Experimentors are reminded, however, that the purpose of permitting food labeling experiments is to provide FDA with statistically valid data that can be used as a basis for developing food labeling policies. Therefore, FDA expects these parameters to be reasonable for obtaining sufficient, reliable data. FDA will not approve an experiment for which the parameters are so broad that the experiment appears to be designed primarily to circumvent currently established food labeling regulations and policies.

The comment is correct in contending that FDA has not provided assurance that a successful labeling concept could continue to be used beyond the experimental stage. FDA will need to evaluate the success of tested labeling concepts, taking into consideration the agency's over-all food labeling strategy and data from related labeling research, and determine whether a change in a food labeling policy appears warranted. Before implementing a change in food labeling regulations, FDA will publish the proposed change in the Federal Register and provide interested persons an opportunity to comment.

3. One comment contended that the scope of activity contemplated is too narrow, the time frame inappropriate, and the cost economically infeasible and, therefore, that the regulations would not encourage experimentation related to the dietary classification of foods in the supermarket.

FDA disagrees. The parameters of the activity contemplated are to be determined by the expefimentor and the rationale for the parameters should be discussed in the written proposal submitted to FDA. FDA recognizes that in some cases the period of time necessary for marketing a new labeling concept may be extensive in order to assess accurately consumer acceptability or comprehension of the labeling concept. FDA will not arbitrarily impose a shorter time frame for an experiment if the time frame proposed by the experimentor is reasonable for accomplishing the objectives of the experiment.

In addition, a few organizations are currently collaborating with FDA in developing experiments to test consumer acceptability of supermarket shelf labeling for highlighting various nutritional aspects of certain foods. For example, one supermarket chain is currently utilizing "shelf talkers" and in-store pamphlets to convey information relative to calorie, sodium, and fat/cholesterol content of specific foods. Ordinarily, conveyance of such nutrition information relative to calorie and fat and cholesterol content would trigger requirements for nutrition labeling according to the provisions of §§ 101.9, 101.25, and 105.66. However, FDA granted the supermarket chain an exemption relative to these nutrition labeling requirements, with the understanding that complete nutrition labeling information would be available to consumers. This exemption enabled the supermarket chain to test consumer response to point-of-purchase, off-label nutrition claims. In addition to this and other supermarket chains that have discussed with FDA alternative methods of conveying nutrition information to consumers, one trade association is currently collaborating with FDA on the concept of establishing flexible guidelines for point-of-purchase, off-label nutrition information. Thus, it appears that experiments related to the dietary classification of foods are economically feasible.

4. One comment requested that FDA clarify in the preamble to the final regulation that it also will consider approval of proposed experiments to test the effect of the deletion of information presently required on the label.

In reviewing current food labeling policies, FDA is evaluating whether certain information should be deleted from the food label. Certain labeling experiments for testing the effect of deleting some currently required nutrition information can provide useful information to the agency and, thus, will be considered for approval. However, any proposed deletions of information

must be consistent with public health needs and statutory requirements for labeling foods and should be directed toward improving the comprehensibility of the food label. Thus, experiments for testing consumer acceptance of the deletion of information should not be designed simply to determine whether consumers will purchase products that provide less information on the label. Rather, experiments should provide information regarding consumer comprehension of and the effectiveness and usefulness fo a particular format that does not include all of the information that is currently presented or that presents the information in a different manner. For example, an experiment to test the effect of totally eliminating nutrition labeling from foods on which nutrition labeling is currently required would not be approved. However, experiments to compare the comprehensibility of the current nutrition labeling format with a revised format would be considered for approval, even if some of the currently required nutrition information were deleted from the revised format. A thorough discussion of the rationale for suspecting that the information to be deleted is not useful to, used by, or needed by consumers should be included in the request for an exemption.

5. One comment suggested that shelf tags, booklets, posters, etc., providing consumers with required labeling information that has been exempted from appearing on the product label during an experiment (§ 101.108(b)(3) and (7)) should not be required as a prerequisite for approval of the proposed experiment. For example, to determine the effect of eliminating certain label information, it may not be desirable to present the information at all.

Shelf tags, booklets, and posters, per se, are not a prerequisite for approval of a proposed experiment to test the effect of deleting information from the label. However, experimentors should be prepared to provide the deleted information, rapidly and efficiently, to consumers who desire the information and should explain the exemption request the mechanism for doing so. In addition, the experiment should be carefully designed to measure the consumer's interest in the deleted information, rather than merely to determine whether consumers will buy products that do not provide the information. It cannot be assumed that consumers who purchase products from which information has been deleted do not need or would not use the information, particularly if there is no readily available mechanism by which the consumer may acquire the deleted information or by which they can inform the experimentor that the information is desired or needed.

6. One comment requested that the requirement of proposed § 101.108(b)(9) to report "promptly to FDA the results of labeling experiments" be revised to require that results be reported to FDA within a reasonable time, e.g., 60 to 120 days following conclusion of the experiment and the analysis of the experimental data.

The word "promptly" in proposed § 101.108(b)(9) should have been interpreted to mean as soon as possible after completion of the written report of the analysis of the experimental data. The projected dates for beginning and ending the experiment and for submitting the written report of analysis to FDA should be included in the proposal. The wording of proposed § 101.108(b)(4) has been revised to clarify this requirement, and proposed § 101.108(b)(9) has been deleted from this final rule.

7. One comment contended that the proposed regulation is too cumbersome and will lead to long delays in gaining FDA approval which will negate the ability to carry out some experiments. The comment suggested streamlining the requirements of § 101.108(b).

FDA does not agree with the comment. Anyone submitting proposed experiments can be assured that FDA will expedite the review and approval of plans for well-designed experimental studies related to food labeling issues on which the agency has requested additional data. However, they should also be aware that the agency has extremely limited resources for assisting in the development and implementation of such experiments and that poorly designed experimental plans may cause unavoidable delays in the review process. Expertise is available in the private sector for designing experiments that provide reliable, well-documented results. It is the responsibility of the experimentor to ensure that such expertise is used to the extent necessary for devising an experiment that will provide statistically valid results, and that information required by this final rule is thoroughly discussed in the written proposal submitted to FDA.

8. One comment supported the development of off-label nutrition information systems, but indicated that these systems must be implemented with more speed and flexibility than the proposal would permit.

FDA supports development of experiments to determine the usefulness of off-label nutrition information systems, and this final rule provides a mechanism for obtaining FDA approval of such experiments. FDA recognizes the necessity for expeditious approval of experiments that can provide valid, useful labeling information and will attempt to provide a timely review that will allow manufacturers to implement the experiment according to the time schedule in the written proposal. However, experimentors must remember that the time necessary for FDA to evaluate an experiment depends on the quality and completeness of the written proposal. Experimentors are encouraged to submit a thorough, well-explained proposal to FDA and to respond promptly to requests from FDA for clarification or for additional information that the agency considers necessary for prompt approval of the experiment.

9. One comment requested that proposed § 101.108(b)(8) be clarified by including the phrase "if such claim has not been previously approved by FDA" so that experimentors would not be required to repeat experiments to verify nutrition claims that previously have been approved by FDA.

Although FDA has defined, by regulation, some of the phrases and terms used to make nutrition claims, it is the responsibility of the food manufacturer to verify, by appropriate testing, that a nutrition claim is valid. FDA routinely examines foods to determine whether nutrition information on the label complies with regulatory requirements; however, FDA does not "approve" such claims, i.e., certify that a claim is accurate for each particular food. Therefore, the phrase suggested by the comment would not be an appropriate addition to § 101.108(b)(8). However, to alleviate some of the comment's concern regarding unnecessary repetition of tests to verify the accuracy of nutrition claims, FDA is revising § 101.108(b)(8) to clarify that the results of past tests performed by the manufacturer to determine nutritional characteristics of a particular product may be relied upon, provided they are still valid for the particular product.

10. One comment requested that the following criteria be included as requirements for proposed food labeling experiments: (a) Dates on which the experiment will begin and end together with a commitment to end the experiment on the termination date, and/or when FDA requires, upon showing that the program subject to experiment is deceiving or otherwise

misleading consumers, or upon passage of new food labeling legislation that affects the terms of this agreement; (b) a commitment to provide consumers with realistic and readily accessible methods of obtaining the required nutrition information that is exempted from nutrition labeling during the experiment; and (c) a commitment to place signs throughout the stores which define the terms being used on the shelf tags and inform consumers about how more complete nutrition information can be obtained.

FDA recognizes and shares the concerns expressed in the comments about ensuring that consumers are not misled by food labeling experiments. The agency will cautiously review proposed experiments to determine whether proposed labeling changes or omissions of information can be misleading. Because the points raised by the comment will be considered before approving an experiment, and the final rule already provides that the written proposal include information related to these points, the final rule had not been further revised.

11. One comment suggested developing detailed guidelines or regulations that define terms or classes of terms that can be used in labeling experiments, e.g., "low" and "reduced" sugar, fat, cholesterol and sodium, or "excellent source of " or "high in" for protein and other nutrients. The comment indicated that these terms should be used consistently.

A proposal setting forth definitions for "sodium free," "low sodium," "moderately low sodium," and "reduced sodium" was published by FDA in the **Federal Register** of June 18, 1982 (47 FR 26580). When such terms are defined by regulation, their consistent use on labels will be required. The provisions of § 101.9(c)(7)(v) are applicable when phrases are used indicating that a product is an "excellent source of" or "high in" a particular nutrient.

12. One comment suggested that FDA establish a formal application form that lists all the information it will require in approving experiments. The comment reasoned that a standardized form would minimize the frequency of requests for additional information, minimize review time and work, facilities comparison of experiments, lower the cost of broad evaluations, encourage experiments, and improve experiment proposals by promoting an exchange of useful success and failure data.

This final rule provides general guidance for the types of information FDA will need to evaluate proposed labeling experiments. The rationale for not providing more detailed guidance was previously discussed. The information required by the regulation must be submitted to FDA in writing and, for clarity, should be formatted using the nine information items in the regulation as general headings (§ 101.108(b) (1) through (9)). FDA does not anticipate that variations in format for the written proposal will present any particular problems for evaluating the proposal and, therefore, has not developed a standardized proposal application form. The extent of detail necessary to discuss thoroughly each of the information items will vary from one experiment to another and a few of the items may not be relevant to some experiments. For example, § 101.108(b)(2) would not be relevant for experiments that do not involve a segregation of foods into different categories based on nutrition or dietary claims. A brief statement in the written proposal indicating that the item is not relevant to the particular experiment would be adequate in such cases. Section 101.108(b) has been revised to clarify that the written proposal should include a thorough discussion of each of the nine information items that apply to the particular experiment.

13. One comment requested that notice of FDA-approved labeling experiments be published in the **Federal Register** and data relating to the experiment be readily accessible.

Following authorization by FDA of a proposed experiment, a copy of the proposal, FDA comments, correspondence, memoranda of meetings and telephone conversations concerning the proposal, and the agency's authorization letter will be made available to interested persons through FDA's Dockets Management Branch. When results from an approved experiment are used in the development of food labeling policies, data on the experimental results also will be filed with the Dockets Management Branch and will be publicly available. Although a **Federal Register** notice will not be published for each approved experiment, appropriate references to experimental data will be provided in **Federal Register** documents, if the data are used as support for the development of a particular regulation.

14. One comment requested that FDA establish a "logo" or "seal" or some other acceptable method to identify products that are being test marketed according to an FDA-approved labeling experiment. This would enable State regulatory officials and other food manufacturers to know which products are being marketed under an FDA-approved experiment.

FDA agrees that State regulatory officials should be notified of approved food labeling experiments so they will be aware of the types of labeling exemptions granted for the test products. FDA will use the National Regional State Telecommunications Exchange Network system to provide this information to State agencies. Food manufacturers or other interested persons may obtain information regarding FDA-approved labeling experiments by writing to the agency's Dockets Management Branch (address above). Therefore, a "logo" or "seal" is not necessary.

15. One comment requested that FDA clarify in the preamble to the final regulation that the program is strictly voluntary and that equal consideration will be given to future food labeling comments made by those who do not participate in a labeling experiment.

The development and administration of a labeling experiment is a voluntary activity. Any firm desiring to provide FDA with valid data that can be used for evaluating current or proposed food labeling policies may participate. However, failure to participate will have no negative impact on those who do not submit proposed experiments. Furthermore, voluntary participation in a labeling experiment will not provide the participant any additional advantage for influencing decisions regarding changes in foood labeling policies.

In addition to changes made in the regulation in response to comments, FDA has revised paragraphs (a), (b), (c), and (d) of § 101.108.

Proposed paragraph (a) has been editorially revised to remove the reference to the **Federal Register** document of December 21, 1979 (44 FR 75990).

Proposed paragraph (b) provided that an experimentor would agree "to conclude the experiment, if necessary, upon request by FDA following the passage of new food labeling legislation." This phrase has been removed because currently there is no pending food labeling legislation under active Congressional consideration, and it is generally understood that a change in a law may annul a food labeling experiment.

Proposed paragraph (c) provided that a written proposal to conduct a food labeling experiment requiring an exemption from current food labeling requirements be sent directly to FDA's Bureau of Foods. Paragraph (c) has been revised to clarify that a written proposal to conduct a food labeling experiment should be submitted as a citizen petition

under 21 CFR 10.30 and submitted for appropriate filing with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Written proposals for labeling experiments requiring exemptions from current food labeling requirements that are received after April 8, 1983 will be filed as citizen petitions and assigned individual docket numbers. Written proposals received before April 8, 1983 and that were submitted to FDA's Bureau of Foods according to the provisions in the September 5, 1980 proposal will be filed with the Dockets Management Branch under Docket No. 80N–0322.

Paragraph (d) has been revised to clarify that "[a]pproval for food labeling experiments will be given by FDA in writing. Foods labeled in violation of existing regulations will be subject to regulatory action unless an FDA-approved exemption to the specific regulation has been granted for that specific product."

The agency has determined under 21 CFR 25.24(d)(13) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with Executive Order 12291, FDA has initially determined that this rule does not constitute a major rule as defined by that Order. The reasons underlying that determination are as follows:

1. The regulation will not have an annual effect on the economy of $100 million or more. The final rule provides guidance to manufacturers for requesting exemptions from the requirements of certain current food labeling regulations so they may conduct food labeling experiments. Participation in these experiments is strictly voluntary. Manufacturers are not likely to volunteer such participation if the costs for an experiment exceed the potential benefit that can be derived from the information resulting from the experiment. Further, because labeling experiments are likely to be of relatively short duration, the costs involved would not be incurred on an ongoing basis.

2. The regulation will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The decision by a manufacturer to conduct a labeling experiment is strictly voluntary, and it is not anticipated that manufacturers will volunteer to conduct experiments that would result in a major increase in their costs or in process changes for their products. Further, because a price differential could be a factor influencing the consumers' decisions about products that are the subject of an experiment and that are labeled differently from similar products, the agency expects that the price of the experimental product will not differ significantly from that of similar products.

3. The regulation will not have significant effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Manufacturers are not likely to participate voluntarily in food labeling experiments that have an unfavorable impact on the marketing of their products. Further, because experiments will be of relatively short duration, any competitive advantage or disadvantage effects experienced by a manufacturer will likely be short lived.

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.

The reporting requirement contained in § 101.108(b) has been submitted to the Office of Management and Budget (OMB) under section 3507 of the Paperwork Reduction Act of 1980 and approved under OMB number 0910–0151.

List of Subjects in 21 CFR Part 101

Food labeling, Misbranding, Nutrition labeling, Warning statements.

PART 101—FOOD LABELING

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), Part 101 is amended by adding new § 101.108 to read as follows:

§ 101.108 Temporary exemptions for purposes of conducting authorized food labeling experiments.

(a) The food industry is encouraged to experiment voluntarily, under controlled conditions and in collaboration with the Food and Drug Administration, with graphics and other formats for presenting nutrition and other related food labeling information that is consistent with the current quantitative system in §§ 101.9 and 101.25 and with §§ 105.66, 105.67, and 105.69 of this chapter.

(b) Any firm that intends to undertake a labeling experiment that requires exemptions from certain requirements of §§ 101.9 and 101.25 and §§ 105.66, 105.67, and 105.69 of this chapter should submit a written proposal containing a thorough discussion of each of the following information items that apply to the particular experiment:

(1) A description of the labeling format to be tested;

(2) A statement of the criteria to be used in the experiment for assigning foods to categories, e.g., nutrient or other values defining "low" and "reduced";

(3) A draft of the material to be used in the store, e.g., shelf tags, booklets, posters, etc.;

(4) The dates on which the experiment will begin and end and on which a written report of analysis of the experimental data will be submitted to FDA, together with a commitment not to continue the experiment beyond the proposed ending date without FDA approval;

(5) The geographic area or areas in which the experiment is to be conducted;

(6) The mechanism to measure the effectiveness of the experiment;

(7) The method for conveying to consumers the required nutrition and other labeling information that is exempted from the label during the experiment;

(8) The method that will be or has been used to determine the actual nutritional characteristics of foods for which a claim is made; and

(9) A statement of the sections of the regulations for which an exemption is sought.

(c) The written proposal should be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. The proposal should be clearly identified as a request for a temporary exemption for purposes of conducting authorized food labeling experiments and submitted as a citizen petition under § 10.30 of this chapter.

(d) Approval for food labeling experiments will be given by FDA in writing. Foods labeled in violation of existing regulations will be subject to regulatory action unless an FDA-approved exemption to the specific regulation has been granted for that specific product.

(e) Reporting requirements contained in § 101.108(b) have been approved by this Office of Management and Budget and assigned number 0910–0151.

Effective date. This regulation is effective April 8, 1983.

(Secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a)))

Dated: March 11, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 83-8947 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 155

[Docket No. 75P-0322]

Canned Peas and Canned Dry Peas; Standards of Identity

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standard of identity for canned peas to reinstate magnesium hydroxide, magnesium oxide, and magnesium carbonate as optional ingredients. FDA is also amending the standard of identity for canned dry peas to exclude, by cross-reference, these compounds. This action is based on a petition for reconsideration.

DATES: Effective May 10, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun August 31, 1982. Objections by May 9, 1983.

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

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 27, 1980 (45 FR 43394), FDA published a final regulation amending the U.S. standards of identity for canned peas (21 CFR 155.170) and canned dry peas (21 CFR 155.172) that removed magnesium hydroxide, magnesium oxide, and magnesium carbonate as optional ingredients. The confirmation of the effective date of July 1, 1981, was published in the **Federal Register** of April 10, 1981 (46 FR 21359). Before the effective date, a petition for reconsideration was filed on behalf of a company conducting research in food preservation and marketing requesting FDA to reconsider, under 21 CFR 10.33, its decision to remove these compounds from the standard of identity for canned peas and to stay the effective date of the final regulation with regard to these compounds. In the **Federal Register** of July 7, 1981 (46 FR 35086), FDA stayed the effective date of the amendment of the standard of identity that removed the magnesium compounds as optional ingredients. In the **Federal Register** of August 31, 1982 (47 FR 38346), FDA proposed to amend the standard of identity for canned peas to reinstate magnesium hydroxide, magnesium oxide, and magnesium carbonate as optional ingredients.

One comment was received in response to the proposal. The comment stated that preliminary research indicates that canned peas prepared under a new process involving magnesium compounds have strong consumer acceptance because of the resulting superior color retention and that the process is ready to be used in commercial production.

In consideration of the petition for reconsideration and other relevant information, FDA concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standards of identity for canned peas and canned dry peas to reinstate the provision for the use of magnesium hydroxide, magnesium oxide, and magnesium carbonate as optional ingredients in canned peas.

In accordance with the Regulatory Flexibility Act, the agency has previously considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined and certified that no significant impact on a substantial number of small entities would derive from this action. FDA has not received any new information or comments that would alter its previous determination.

List of Subjects in 21 CFR Part 155

Canned vegetables, Food standards, Vegetables.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 155 is amended as follows:

PART 155—CANNED VEGETABLES

1. In § 155.170, by redesignating paragraph (a)(2)(xii) as (a)(2)(xiii) and adding new paragraph (a)(2)(xii) to read as follows:

§ 155.170 Canned peas.

(a) * * *

(2) * * *

(xii) Magnesium hydroxide, magnesium oxide, magnesium carbonate, or any mixture or combination of these in such quantity that the pH of the finished canned peas is not more than 8, as determined by the glass electrode method for the hydrogen ion concentration.

* * * * *

2. In § 155.172, by redesignating paragraph (a)(2) as (a)(3) and by adding new paragraph (a)(2) to read as follows:

§ 155.172 Canned dry peas.

(a) * * *

(2) The optional ingredients specified in § 155.170(a)(2)(xii) shall not be used.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 9, 1983 submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after May 10, 1983 shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register.**

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: March 18, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-8948 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 177

[Docket No. 82F-0205]

Indirect Food Additives: Polymers; High-Temperature Laminates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of an aliphatic polyurethane laminating adhesive for fabricating retortable pouches and related high-temperature laminates for use in contact with food. This action is in response to a food additive petition filed by Morton Chemical, Division of Morton-Norwich Products, Inc.

DATES: Effective April 8, 1983. Objections by (May 9, 1983). The Director of the Federal Register approves the incorporation by reference of certain publications at 21 CFR 177.1390 effective on April 8, 1983.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 27, 1982 (47 FR 32480), FDA announced that a food additive petition (FAP OB3525) had been filed by Morton Chemical, Division of Morton-Norwich Products, Inc., 2 North Riverside Plaza, Chicago, IL 60606, proposing that § 177.1390 (21 CFR 177.1390) be amended to provide for the safe use of a polyurethane adhesive containing polyester-epoxy resins, and 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanates as a cross-linking agent for fabricating high-temperature laminates. The actual cross-linking agent is the cyanurate trimer of the isocyanate (3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate cyanurate).

FDA has evaluated the data in the petition and other relevant material, and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

This amendment reflects the revision of § 177.1390(c)(2) and (3)(i) described in an earlier **Federal Register** document (47 FR 49638; November 2, 1982). In addition, FDA has revised § 177.1390(c)(3)(i)(*a*) to accommodate a new extraction requirement in paragraph (c)(3)(i)(*a*)(*2*), for laminates containing this newly petitioned adhesive. These are editorial changes that clarify the regulation, they do not change the substances or uses authorized.

The petition and the documents the FDA considered and relied upon in reaching its decision to approve the petition, in accordance with § 171.1(h) (21 CFR 171.1(h)), are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

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 is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Incorporation by reference, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 177 is amended in § 177.1390 by adding new paragraph (c)(2)(v) and by revising paragraph (c)(3)(i)(*a*) to read as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.1390 High-temperature laminates.

* * * * *

(c) * * *

(2) * * *

(v) Polyester-epoxy-urethane adhesives for use at temperatures not exceeding 121° C (250° F) and formulated from the following:

(*a*) Polyester resin formed by the reaction of polybasic acids and polyhydric alcohols listed in § 175.300(b)(3)(vii) of this chapter. Azelaic acid may also be used as a polybasic acid.

(*b*) Epoxy resin listed in § 175.300(b)(3)(viii)(*a*) of this chapter and comprising no more than 30 percent by weight of the cured adhesive.

(*c*) Urethane cross-linking agent comprising no more than 14 percent weight of the cured adhesive and formulated from 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate cyanurate (CAS Reg. No. 53880-05-0).

(3) * * *

(i) * * *

(*a*) For use at temperatures not to exceed 121° C (250° F): The container interior (food-contact side) shall be extracted with deionized distilled water at 121° C (250° F) for 2 hours.

(*1*) The chloroform-soluble fraction of the total nonvolatile extractives for containers using adhesives listed in paragraph (c)(2) (i), (ii), (iii), and (iv) of this section shall not exceed 0.0016 milligram per square centimeter (0.01 milligram per square inch) as determined by a method titled "Determination of Nonvolatile Chloroform Soluble Residues in Retort Pouch Water Extractives," which is incorporated by reference. Copies are available from the Division of Food and Color Additives, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20404, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(*2*) The chloroform-soluble fraction of the total nonvolatile extractives for containers using adhesives listed in paragraph (c)(2)(v) of this section shall not exceed 0.016 milligram per square centimeter (0.10 milligram per square inch) as determined by a method titled "Determination of Nonvolatile Chloroform Soluble Residues in Retort Pouch Water Extractives," which is incorporated by reference in paragraph (c)(3)(i)(*a*)(*1*) of this section.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 9, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each

numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection.

Three copies of all documents shall be submitted and shall be indentified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 8, 1983.

(Secs. 201 (s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: March 15, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-8954 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Gentamicin Sulfate Oral Solution

Correction

In FR Doc. 83–6266, appearing on page 10301, in the issue of Friday, March 11, 1983, make the following corrections.

1. On page 10301, last column, line 2, correct "wanling" to "weanling".

2. On page 10302, first column correct the part heading for Part 520 to read:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

BILLING CODE 1505-01-M

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21 CFR Parts 520 AND 524

Oral, Ophthalmic, and Topical Dosage Form New Animal Drugs Not Subject to Certification; Ronnel Blocks, Tablets, and Emulsifiable Concentrate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify two previously approved new animal drug applications (NADA's) sponsored by Pitman-Moore, Inc. The NADA's provide for the treatment of dogs and cats for certain ectoparasites by oral (tablet), topical (solution), or combination administration of products containing the organophosphate pesticide ronnel. The regulations are also amended to indicate those conditions of use approved by FDA before October 10, 1962.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Terence Harvey, Bureau of Veterinary Medicine (HFV–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Pitman-Moore, Inc., P.O. Box 344, Washington Crossing, NJ 08560, is sponsor of NADA's covering Ectoral Tablets (12–360) and Ectoral Emulsifiable Concentrate (12–361). The products contain the organophosphate pesticide ronnel. The tablets are administered orally to treat demodectic mange, ticks, fleas, and lice in dogs, and fleas in cats. The concentrate is diluted with water to prepare topical solutions used for treating those infestations, as well as sarcoptic mange in dogs and ear mites in dogs and cats. Topical application may be combined with oral treatment for enhanced results. These products were originally approved before the Drug Amendments of 1962 were enacted into law (October 10, 1962) by letters of May 16, 1961 (12–360) and June 2, 1961 (12–361).

In those letters, FDA concluded that the applications contained adequate data and information to demonstrate safety and effectiveness of the products. Accordingly, the regulations are amended to codify Pitman-Moore's approved NADA's and to specify the pre–1962 conditions of use.

Approvals at those times were not codified by publication in the Federal Register. This action codifies the previously approved NADA's but does not change the approved uses of the drugs. Because the applications were approved before July 1, 1975, the sponsor is not required to submit a summary of the safety and effectiveness data and information under the freedom of information provisions of the animal drug regulations in 21 CFR 514.11(e)(2).

In addition, the regulation for ronnel blocks is revised to reflect current format.

Since neither product was reviewed by the National Academy of Sciences/National Research Council (NAS/NRC), the Bureau of Veterinary Medicine conducted an effectiveness review and the referenced conditions of use are found effective. For identical or similar products having the same conditions of use, applications for use in non-food animals need not include effectiveness data as specified by § 514.1(b)(8)(ii) or 514.111(a)(5)(ii)(*a*)(*4*) (21 CFR 514.1(b)(8)(ii) or 514.111(a)(5)(ii)(*a*)(*4*)) of the animal drug regulations, but approval may require bioequivalency or similar data as suggested in the guidelines for submitting NADA's for NAS/NRC-reviewed generic drugs, available in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

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

List of Subjects

21 CFR Part 520

Animal drugs, Oral use.

21 CFR Part 524

Animal drugs, Topical.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 520 and 524 are amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. Part 520 is amended by redesignating § 520.2080 *Ronnel* as § 520.2080a *Ronnel blocks*, by revising its text, and by adding new §§ 520.2080 and 520.2080b to read as follows:

§ 520.2080 Ronnel oral dosage forms.

§ 520.2080a Ronnel blocks.

(a) *Specifications.* Each pound of block contains 25 grams of ronnel (5.5 percent).

(b) *Sponsor.* See 021930 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See 40 CFR 180.177.

(d) *Conditions of use*—(1) *Amount.* 0.25 pound of block (6.24 grams of ronnel) per 100 pounds of body weight per head per month for not less than 75 days.

(2) *Indications for use.* Control of grubs and hornflies.

(3) *Limitations.* Administer free choice to beef cattle and nonlactating dairy animals. Provide 1 block per 15 head of cattle. Use as sole source of ronnel. Do not allow cattle access to salt or other mineral while being fed this product. Withdraw from dairy animals 10 days before calving. If animals freshen during medication, or if medication has not been withdrawn 10 days before freshening, milk must not be used for food for 10 days after the last treatment. Withdraw 10 days before slaughter. Labeling shall also include a warning that ronnel is a cholinesterase inhibitor. Do not use this product simultaneously or within a few days before or after exposure to cholinesterase inhibiting drugs, pesticides, or chemicals.

§ 520.2080b Ronnel tablets.

(a) *Specifications.* Each tablet contains 250 milligrams, 500 milligrams, or 1 gram of ronnel.

(b) *Sponsor.* See No. 011716 in § 510.600(c) of this chapter.

(c) *Generic status.* These conditions of use were reviewed and found effective by FDA before October 10, 1962. New animal drug applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(d) *Conditions of use*—(1) *Indications for use.* Dogs: Treatment of demodectic mange, tick, flea, and lice infections. Cats: Treatment of flea infestations.

(2) *Dosage.* (i) Demodectic mange in dogs: 25 milligrams per pound of body weight daily, preferably in divided doses; in very severe infections, 35 milligrams per pound of body weight daily; continue treatment 3 weeks after all mites in skin scrapings are dead.

(ii) Ticks in dogs: 50 milligrams per pound of body weight daily in single or divided doses; when improvement noted, reduce to maintenance level of 12.5 milligrams per pound of body weight daily.

(iii) Fleas and lice in dogs, or fleas in cats: 25 milligrams per pound of body weight every other day in single or divided doses; with continued control, decrease to 12.5 milligrams per pound of body weight every other day.

(3) *Limitations.* Oral treatment of demodectic mange or ticks in dogs may be combined with application of topical ronnel solutions. Ronnel is a cholinesterase inhibitor. Do not use this product on animals simultaneously or within a few days before or after treatment with or exposure to cholineserase inhibiting drugs, pesticides, or chemicals. Atropine is an antidote. Treat symptomatically. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. Part 524 is amended by adding new § 524.2080 to read as follows:

§ 524.2080 Ronnel emulsifiable concentrate.

(a) *Specifications.* The emulsifiable concentrate contains 33.34 percent ronnel.

(b) *Sponsor.* See No. 011716 in § 510.600(c) of this chapter.

(c) *Generic status.* These conditions of use were reviewed and found effective by FDA before October 10, 1962. New animal drug applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(d) *Conditions of use*—(1) *Dosage and indications.* Administer topically as follows:

Indications (species)	Percent ronnel solution	Length of treatment
Demodectic mange (dogs).	1	Every 4 days for at least 30 days.[1]
Sarcoptic mange (dogs).	1	Every 7 to 10 days for 3 applications.
Ticks (dogs)	1	Apply solution; repeat as indicated.[1]
Fleas and lice (dogs); fleas (cats).	0.25	Apply solution; repeat as indicated.
Ear mites (dogs and cats).	1	Apply solution; repeat as indicated.

[1] Topical application may be combined with oral treatment (tablets).

(2) *Limitations.* Prepare fresh solution for each patient. To prepare a 1-percent solution, add 1 ounce (2 tablespoons) of concentrate to a quart of water. Apply thoroughly to entire body of animal except when treating ear mites. Avoid prolonged or repeated contact of concentrate with skin. Ronnel is a cholinesterase inhibitor. Do not use simultaneously or within a few days before or after treatment with or exposure to cholinesterase inhibiting drugs, pesticides, or chemicals. Treat symptomatically. Atropine is an antidote. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: April 8, 1983.

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

Dated: March 22, 1983.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 83-8946 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for International Nutrition, Inc., providing for use of 50-gram-per-pound lincomycin premixes in manufacturing 8- and 20-gram-per-pound lincomycin intermediate premixes. The intermediate premixes are subsequently used in swine feeds for treatment and/or control of dysentery.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: International Nutrition, Inc., 67th & L Sts., Omaha, NE 68117, is sponsor of NADA 132-923 filed in its behalf by the Upjohn Co. The NADA provides for use of 50-gram-per-pound lincomycin premixes in manufacturing 8- and 20-gram-per-pound lincomycin intermediate premixes for subsequent incorporation into complete swine feeds. The feeds are used for control and/or treatment of swine dysentery as provided in 21 CFR 558.325(f)(2). Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

Approval of this application is based on safety and effectiveness data contained in Upjohn's approved NADA 97-505. Upjohn has authorized use of the data in NADA 97-505 to support approval of this NADA. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk of exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as a Category II

supplement which does not require reevaluation of the safety and effectiveness data in the original NADA.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.325 is amended by revising paragraph (b)(5) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * * * *

(b) * * *

(5) Premix levels of 8 and 20 grams per pound have been granted to 017255, 017790, and 043733 in § 510.600(c) of this chapter for use as provided in paragraph (f)(2)(i), (ii), and (iii) of this section.

* * * * *

Effective date. April 8, 1983.

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

Dated: March 16, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-8816 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Dale Alley Co., providing for use of a 50-gram-per-pound lincomycin premix in manufacturing 4, 8, 10, and 20-gram-per-pound lincomycin premixes. The intermediate premixes are subsequently used in swine feeds for treatment and/or control of dysentery.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Dale Alley Co., 222 Sylvanie St., P.O. Box 444, St. Joseph, MO 64502, is sponsor of NADA 132-922 filed in its behalf by the Upjohn Co. The NADA provides for use of a 50-gram-per-pound lincomycin premix in manufacturing 4, 8, 10, and 20-gram-per-pound lincomycin intermediate premixes for subsequent manufacture of complete swine feeds. The feeds are used for control and/or treatment of swine dysentery as provided in 21 CFR 558.325(f)(2). Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

Approval of this application is based on safety and effectiveness data contained in Upjohn's approved NADA 97-505. Upjohn has authorized use of this data in NADA 97-505 to support approval of this application. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk of exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as a Category II supplement which does not require reevaluation of the safety and effectiveness data in NADA 97-505.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of this Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.325 by adding new paragraph (b)(6) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * * * *

(b) * * *

(6) Premix levels of 4, 8, 10, and 20 grams per pound have been granted to No. 018083 in § 510.600(c) of this chapter for use as provided in paragraph (f)(2)(i), (ii), and (iii) of this section.

* * * * *

Effective date: April 8, 1983.

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

Dated: March 16, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-8817 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for

Wayne Feed Div., Continental Grain Co., providing for manufacturing 4, 8, and 10-gram-per-pound tylosin premixes from a 40-gram-per-pound premix or granulated concentrate. The intermediate premixes are used to make complete feeds for swine, cattle, and chickens.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: Wayne Feed Div., Continental Grain Co., P.O. Box 459, Libertyville, IL 60048, is the sponsor of a supplement to NADA 99–468 submitted on its behalf by Elanco Products Co. This NADA currently provides for use of premixes containing 40 grams per pound of tylosin (as tylosin phosphate) to make 0.8 and 2 gram-per-pound intermediate premixes subsequently used in complete swine feeds. This supplement provides for use of the 40 gram-per-pound premixes or granulated concentrate to make 4, 8, and 10-gram-per-pound premixes subsequently used to make complete feeds for swine, beef cattle, and chickens in accordance with 21 CFR 558.525(f)(1)(i), (iii), (iv), and (vi). The basis for approval of this supplement is discussed fully in the freedom of information (FOI) summary. Based on the data and information discussed therein, the supplement is approved, and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b)(33), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

* * * * *

(b) * * *

(33) To 034936: 0.8 and 2 grams per pound, paragraph (f)(1)(vi)(*a*); 4, 8, and 10 grams per pound, paragraph (f)(1)(i), (iii), (iv), and (vi) of this section.

* * * * *

Effective date: April 8, 1983.

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

Dated: March 21, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83–8920 Filed 4–7–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect that the requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(m)) are waived for use of premixes containing not more than 20 grams of lincomycin per pound to manufacture intermediate premixes and finished feeds for chickens and swine. The Upjohn Co. submitted supplements to two new animal drug applications (NADA's) requesting that the regulations be amended to reflect properly the previously granted section 512(m) waivers. These waivers and others were discussed in an August 1982 letter from the Bureau of Veterinary Medicine to the American Feed Manufacturers Association.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, is the sponsor of NADA 34–085 providing for use of a 4 gram-per-pound lincomycin (Lincomix) premix for manufacturing broiler feeds, and NADA 97–505 providing for use of 20 and 50 gram-per-pound premixes for manufacturing broiler and swine feeds. In the **Federal Register** of December 15, 1975 (40 FR 58132), FDA approved supplemental NADA 34–085 providing for a waiver from the requirements of section 512(m) of the act for manufacturing complete broiler feeds from 4 gram-per-pound lincomycin premixes. In the **Federal Register** of March 12, 1982 (47 FR 10807), FDA approved supplemental NADA 97–505 providing for a section 512(m) waiver for manufacturing complete swine feeds from premixes containing not more than 20 grams of lincomycin per pound. FDA also has approved a section 512(m) waiver for use of a 2,600 gram-per-ton feed supplement to manufacture a complete swine feed (41 FR 26855; June 30, 1976). In addition, under § 558.15(g)(1) 21 CFR 558.15(g)(1)), the use of an approved lincomycin premix to manufacture an intermediate premix for use in chickens need not, on an interim basis, comply with the requirements of section 512(b) of the act.

The status of the section 512(m) waiver for several drugs, including lincomycin, was the subject of an August 2, 1982, letter from the Bureau of Veterinary Medicine to the American Feed Manufacturers Association. The letter addressed the section 512(m) administrative waivers as related to the provisions of § 558.15, concluding in relevant part that the use of any premix containing not more than 20 grams of lincomycin per pound to manufacture intermediate premixes or finished feeds (concentrates, supplements, or complete feeds) for poultry or swine as approved in § 558.325 (21 CFR 558.325) has a waiver from the requirement of section 512 (b) and (m).[1]

The letter further stated that the use of lincomycin in combination with other drugs for finished swine and poultry feeds is not required to comply with section 512(m) of the act provided the other drugs have section 512(m) waivers covering their use. The letter went on to caution that these waivers are subject to change under the "Second Generation of

[1] The letter also stated that the use of the following premixes to manufacture intermediate premixes or finished feeds for the listed species in conformity with the listed regulations need not comply with the requirements of section 512 (b) and (m) of the act: bambermycins, 2 grams per pound (g/lb), chickens and swine, 21 CFR 558.95; hygromycin B, 3.2, and 8 g/lb, swine, 21 CFR 558.274; and tylosin, 10 or less g/lb, swine, 21 CFR 558.625. The letter further stated that the requirements of section 512(m) of the act are waived for the manufacture of finished feeds from the following premixes for the listed species in conformity with the listed regulations: coumaphos, 11.2 percent, cattle, 21 CFR 558.185; virginiamycin, not more than 10 g/lb, swine, 21 CFR 558.635.

Medicated Feeds" proposal to be published in the **Federal Register** at a later date.

The Upjohn Co. filed supplements to NADA's 34-085 and 97-505 requesting revision of the section 512(m) waiver provisions in § 558.325(e). The firm asked that the regulation be revised to state that finished feeds containing no more than 20 grams of lincomycin per pound and used as provided in § 558.325(f) are not required to comply with the provisions of section 512(m) of the act. These supplements requested amendment of the regulations to reflect the sponsor's interpretation of current Bureau of Veterinary Medicine policy regarding waivers from section 512(m), and to delete obsolete waiver approval provisions. The supplements are approved, and the regulations are amended to reflect the approvals. The amendment differs from that proposed by the sponsor in that it specifies that intermediate premixes and finished poultry and swine feed manufactured from premixes containing no more than 20 grams of lincomycin per pound are not required to comply with the provisions of section 512(m) of the act. The Bureau of Veterinary Medicine is also providing a waiver when lincomycin is combined with another drug that is also not required to comply with the provisions of section 512(m).

Approval of these supplements does not change the use of the drug. Consequently, approval poses no increased risk of human exposure to residues of the animal drug and does not change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the parent NADA.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.325 is amended by revising paragraph (e), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * * * *

(e) *Special considerations.* (1) Intermediate premixes, finished poultry feeds, and finished swine feeds manufactured from premixes containing no more than 20 grams per pound and conforming to the requirements of this section are not required to comply with the provisions of section 512(m) of the act.

(2) Finished feeds containing drug combinations which are listed in paragraph (f) of this section are not required to comply with section 512(m) of the act if each individual component drug is not required to comply with section 512(m) of the act.

* * * * *

Effective date: April 8, 1983.

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

Dated: March 17, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-8919 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200 and 203

[Docket No. R-83-1013]

Eligibility of Manufactured Homes for Mortgage Insurance

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

ACTION: Notice of announcement of effective date for interim rule.

SUMMARY: This notice announces the effective date for the interim rule published in the **Federal Register** on February 24, 1983 (48 FR 7731) that extended eligibility for mortgage insurance pursuant to Title II of the National Housing Act of manufactured homes constructed in conformance with the Manufactured Home Construction and Safety Standards when permanently attached to a site-built permanent foundation which meets HUD's Minimum Property Standards. The effective date provision of the rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver, and announced that future notice of the rule's effectiveness would be published in the **Federal Register.**

Thirty calendar days of continuous session of Congress have expired since the rule was published.

DATE: The effective date for the interim rule published February 24, 1983 (48 FR 7731), is April 6, 1983.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10278, 451 7th Street, SW., Washington, D.C. 20410, telephone No. (202) 755-7055. (This is not a toll-free number.)

Dated: April 4, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-9048 Filed 4-7-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that USS JARRETT (FFG 33), USS CROMMELIN (FFG 37), and USS CURTS (FFG 38) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval frigates; and (2) has found that USS JARRETT (FFG 33), USS CROMMELIN (FFG 37), and USS CURTS (FFG 38) are members of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: March 23, 1983.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy

Department, 200 Stovall Street, Alexandria, VA 22332. Telephone Number: (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS JARRETT (FFG 33), USS CROMMELIN (FFG 37), and USS CURTS (FFG 38) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arcs of visibility of their forward masthead lights; Annex I, Section 2(a)(i) regarding the height above the hull of their forward masthead lights; and Annex I, Section 3(b) regarding the horizontal relationship of their sidelights to their forward masthead lights, without interfering with their special-function as Navy frigates. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS JARRETT (FFG 33), USS CROMMELIN (FFG 37), and USS CURTS (FFG 38) are members of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to these three ships. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner different from that prescribed herein will adversely affect the ships' ability to perform their military function.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water) and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table One of § 706.2 is amended by adding the following vessels for which navigational light certifications are being herewith issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height, section 2(a)(i) Annex I
* * * * *		
USS JARRETT	FFG 33	1.6
USS CROMMELIN	FFG 37	1.6
USS CURTS	FFG 38	1.6
* * * * *		

2. Table Four of § 706.2 is amended by adding to the existing paragraph 8 the following vessels for which navigational light certifications are being issued herewith by the Secretary of the Navy:
USS JARRETT (FFG 33)
USS CROMMELIN (FFG 37)
USS CURTS (FFG 38)

3. Table Four of § 706.2 is amended by adding to the existing paragraph 9 the following vessels for which navigational light certifications are being issued herewith by the Secretary of the Navy:

Sidelights on the following ships do not comply with Annex I, Section 3(b):

Vessel	Number	Distance of sidelight forward of masthead lights in meters
* * * * *		
USS JARRETT	FFG 33	2.69
USS CROMMELIN	FFG 37	2.75
USS CURTS	FFG 38	2.75

(EO 11964; 33 U.S.C. 1605)

Dated: March 23, 1983.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 83-9246 Filed 4-7-83; 8:45 am]

BILLING CODE 3810-AE-M

Department of the Air Force

32 CFR Part 806

Disclosure of Air Force Records

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising Part 806—Disclosure of Air Force Records. This revision changes the definition of records; defines responsibilities for processing FOIA requests and appeals from denials; gives expanded guidance on policy for fee assessment; and revises the schedule of fees for searching and duplicating under the FOIA. The intended effect is to provide current information on Air Force policy and procedures for the disclosure of records to the public under the Freedom of Information Act (5 U.S.C. 552). This revision implements the provisions set forth by the Department of Defense Directive 5400.7, March 24, 1980, and Department of Defense Regulation 5400.7–R.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. M. K. Ward, Department of the Air Force, HQ USAF/DAAD, Washington, D.C. 20330, telephone (202) 694–3488.

SUPPLEMENTARY INFORMATION: Because this part implements a higher authority directive it was not published as proposed for public comment. It is published as a final rule for information purposes. The Department of the Air Force has determined that this regulation is not a major rule as defined by Executive Order 12291; is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354); and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96–511). Part 806 is derived from Air Force Regulation (AFR) 12–30, Air Force Freedom of Information Act Program, 15 December 1982.

List of Subjects in 32 CFR Part 806

Freedom of information, Classified information, Records.

Part 806 is revised as follows:

PART 806—DISCLOSURE OF AIR FORCE RECORDS

Subpart A—General Information

Sec.
806.1 Purpose.
806.2 Freedom of Information Act (FOIA) requests.
806.3 Terms explained.
806.4 Use of the functional address symbol, DADF.

Subpart B—Policies Governing Disclosure of Records

806.5 Basic policies on disclosure.
806.6 Specific policies on disclosure.
806.7 Specific policies on withholding records.
806.8 Partial denial.

Subpart C—Processing FOIA Requests

806.9 Documentation Management Office (DAD) Responsibilities.
806.10 Processing requests for records.
806.11 Fee assessment.
806.12 Fees assessed for FOIA requests.
806.13 Schedule of fees for searching and duplicating under the FOIA.
806.14 Notice of administrative extension.

Subpart D—Appeals From Denials

Sec.
806.15 Processing appeals.

Subpart E—How the Public Submits FOIA Requests

806.16 Submitting FOIA requests.
806.17 Where to send FOIA requests.
806.18 Where to address requests for records of military personnel.

Authority: Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 5 U.S.C. 552.

Subpart A.—General Information

§ 806.1 Purpose.

This part outlines policy, gives procedure on the disclosure of records, establishes mandatory time limits, and explains how the public may get copies of Air Force records under the Freedom of Information Act (5 U.S.C. 552). This part implements Department of Defense (DOD) Directive 5400.7, 24 March 1980, and DOD Regulation 5400.7–R. It applies to all Air Force activities and those specified commands supported by the Air Force and listed in Air Force Regulation (AFR) 23–14, Support of the Headquarters of Unified, Specified, and Subordinate Unified Commands. In the case of a conflict, this part takes precedence over any existing Air Force publication that deals in whole or in part with the disclosure of records.

§ 806.2 Freedom of Information Act (FOIA) requests.

Types of requests covered by this part are FOIA written requests for records received from the general public, including military and civilian personnel acting as private citizens.

§ 806.3 Terms explained.

(a) *Denial.* A determination made by a denial authority not to disclose requested records.

(b) *Denial authority.* Anyone who has the authority to deny the disclosure of records requested by the public.

(c) *Determination.* The decision to grant or deny all or part of a request from the public for records.

(d) *Disclosure.* Providing access to and, if required, a copy of the record.

(e) *Disclosure authority.* Anyone who has the authority to disclose records.

(f) *FOIA Manager.* The person responsible for managing the FOIA Program at each organizational level.

(g) *FOIA request.* A written request from the public that:

(1) States the request is made under the Freedom of Information Act (FOIA).

(2) Clearly implies the request is made under the FOIA by referencing "The Law," "The Statute," "Regulation," etc.

(3) Is addressed to a DADF or FOIA office. Exception: If the requester cites any other statutory or regulatory authority, the request must be processed according to that statute or regulation. Examples are: Title VII of the Civil Service Reform Act of 1978, or where the requester is in litigation with the Air Force and makes the request under those discovery provisions in the Federal Rules of Civil Procedure.

(h) *Functional request.* A request for records that does not cite the "FOIA," "DADF," "The Law," "The Statute," "Regulation," etc. The office of primary responsibility (OPR) will deny a non-FOIA request, using the rationale of FOIA exemptions, without specific reference to the FOIA, 5 U.S.C. 552, or this part. Appeal procedures must not be given on such denials. This must not be misconstrued as authority to withhold records that would otherwise be released under the FOIA.

(i) *Partial denial.* A determination that any portion of a requested record be withheld.

(j) *Records.* (1) Documentary material (regardless of age, physical form, or characteristics) made or received by the Air Force and preserved as evidence of organization, functions, policies, decisions, procedures, or operations. A record must exist at the time the request is received. It must be in the possession and control of the Air Force to be considered subject to this part.

(2) Those materials discussed in § 806.3(j)(2)(i) through § 806.3(j)(2)(vi) are not included in the definition of the word "records" as used here. Requests for these materials are not processed according to this section, whether or not the FOIA is invoked. Instead, these requests must be treated according to those policies governing their release and use.

(i) Objects or articles, such as structures, furniture, paintings, sculptures, three-dimensional models, vehicles, and equipment.

(ii) Commercially exploitable resources, including, but not limited to, formulas, designs, drawings, maps and charts, map compilation manuscripts and map research materials, research data, computer programs, and technical data packages that were not made and are not used as primary sources of Air Force information about organizations, policies, functions, decisions, operations, or procedures of the Air Force. These are considered to be exploitable resources because of their development costs, use, or basic value.

(iii) Unaltered publications and processed documents, such as regulations, manuals, maps, charts, and related geophysical materials, available to the public through an established distribution system, either for sale or without charge, such as publications that are available to the requester through the Government Printing Office or the National Technical Information Service. Other examples are maps, charts, and related geophysical products available to the requester through the Defense Mapping Agency, and U.S. Geological Survey or National Ocean Survey distribution points. People who request such material under the FOIA may be referred to the proper sales outlet.

(iv) Library and museum material made, acquired, and preserved primarily for reference or exhibition.

(v) One's personal notes not made available to others and not filed with official records.

(vi) Information stored in a computer for which there is either no existing computer program or printout.

(k) *Statutory time limits.* (1) The 10 workdays allowed by the FOIA to make the initial decision on releasability.

(2) The additional 10 workdays extension allowed under those circumstances explained in § 806.14.

(l) *Workday.* An official duty day (excluding Saturdays, Sundays, and legal public holidays).

§ 806.4 Use of the functional address symbol, DADF.

This symbol must only be used on correspondence relating directly to FOIA requests. Do not use it on regular correspondence.

Subpart B—Policies Governing Disclosure of Records

§ 806.5 Basic policies on disclosure.

(a) The Department of the Air Force discloses its records to the public, unless these records are exempt from public disclosure under the FOIA. Exempt records are made available to the public when it is determined that no governmental interest is jeopardizd by their release.

(b) A record should not be withheld from release because it might suggest administrative error or inefficiency, or might otherwise embarrass the Air Force or an official of the Air Force.

(c) A request for a record is considered fulfilled when:

(1) One copy is provided.

(2) A record is made available for reviewing and copying, if requested.

(3) The requester refuses or fails to pay fees.

(d) Requests for information or records not made under the FOIA must be answered promptly. These records of information may be available to requesters under other established procedures (for example, news media

representatives through public information channels; people seeking access to their personal records).

§ 806.6 Specific policies on disclosure.

(a) Any "reasonably described" material (see § 806.6(d)) in the possession and control of the Air Force that qualifies as a record (see § 806.3(j)) and is not exempt from disclosure under § 806.7, must be made available on written request.

(b) If the information exists in the form of several records, at so many different locations that gathering it would involve excessive time and administrative costs, the requester should be referred to these sources.

(c) There is no obligation to create a record to fulfill a request.

(d) A requester must be reasonably specific in identifying each record sought. The Air Force must make a reasonable effort to find any records requested. Sufficient data must be given to help find the records, in a way that doesn't involve an unreasonable amount of effort. The Air Force isn't required to let requesters browse through entire files or large series of records to find a record that they then "identify." If a record isn't reasonably described, the requester must be asked, by letter, for more specific information. The request should not be processed until the requester answers that letter.

(e) A request for a specific record should not be denied solely because the record is maintained by a computer (see § 806.3(j)(2)(vi)).

§ 806.7 Specific policies on withholding records.

Records or portions of records that fall in one or more of those exemptions listed in § 806.7(a) through § 806.7(i) may be withheld from disclosure to the public. Records that may be exempt from release are:

(a) Those properly and currently classified in the interest of national defense or foreign policy, as authorized by Executive Order. Exemptions on the basis of a classification must be supported by a denial authority's determination that the unauthorized disclosure of such information could reasonably be expected to cause damage to the national security. The classification authority must determine that the information is currently and properly classified. When the OPR that originated the classified record can't be identified, send requested records of 1947 ASG/DADF, for review by HQ USAF/IGS. Unclassified portions of overall classified documents should be released, unless those portions can be withheld for some reason other than classification. Although material is not classified at the time a FOIA request is received, review may be made to determine if it should be classified or othewise withheld under policies in § 806.7(b) through § 806.7(i). Procedures in DOD 5200.1–R/AFR 205–1, Information Security Program, apply. Information received from a foreign government or foreign source may be properly classified according to Executive Order and DOD 5200.1–R/AFR 205–1.

(b) Those that contain rules, regulations, orders, manuals, directives, and instructions on the internal personnel rules or practices of the Air Force, if these records do not directly affect the general public, or if their disclosure would tend to allow persons to violate the law, or would hinder enforcement of the law. Examples include:

(1) Those operating rules, guidelines, and manuals for Air Force investigators, inspectors, auditors, or examiners that must remain "privileged" to prevent circumvention of their purpose by disclosure to a member of the public.

(2) Personnel and other administrative matters, such as examination questions and answers used in training courses or in determining candidates' qualifications for employment, entrance to duty, advancement, or promotion.

(c) Those that concern matters that a statute specifically exempts from disclosure, by terms that permit no discretion on the issue of withholding or, according to defined standards, for withholding or referring to particular types of matters to be withheld. Examples include:

(1) 42 U.S.C. 2161 (Restricted Data and Formerly Restricted Data).

(2) 50 U.S.C. 402 (National Security Agency Information Exemption).

(3) 35 U.S.C. 181 through 188 (Patent Secrecy). Any documents containing information relating to inventions that are the subject of patent applications on which Patent Secrecy Orders have been issued.

(4) 21 U.S.C. 1175 and 42 U.S.C. 4582 (Drug and Alcohol Abuse Programs).

(5) 18 U.S.C. 798 (Communication Intelligence).

(d) Those containing trade secrets or commercial or financial information submitted by a person outside the Air Force, with the understanding that it will be kept on a privileged or confidential basis, according to customary handling. In these cases, submitters of these data should be contacted for their views on releasability.

(1) If the submitter objects to the release, but the Air Force release authority determines that data are releasable, the submitter should be notified of that decision.

(2) Such documents are withheld if their disclosure would:

(i) Reveal a trade secret;

(ii) Cause substantial harm to the competitive position of the source that provides the information; or

(iii) Impair the government's ability to get necessary information in the future.

(3) Examples of records covered by this exemption include:

(i) Commercial or financial information received in confidence, concerning loans, bids, contracts, or proposals; and other information received in confidence or on a privileged basis, such as trade secrets, inventions, and discoveries, or other proprietary data.

(ii) Statistical data and commercial or financial information concerning contract performance, income, profits, losses, and expenditures, if offered and received in confidence from a contractor or potential contractor.

(iii) Personal statements given in the course of inspections, investigations, or audits, if such statements are received in confidence from the individual and kept in confidence, because they reveal trade secrets or commercial or financial information usually considered confidential or privileged.

(iv) Financial data provided in confidence by private employers for locality wage surveys, used to fix and adjust pay schedules that apply to prevailing rate employees in the Department of Defense.

(v) Scientific and manufacturing processes or developments concerning technical or scientific data; or other proprietary information submitted with an application for a research grant, or with a report while research is in progress.

(e) Intra-agency or interagency memorandums or letters that would not be routinely available to a party in litigation with the Air Force.

(1) Examples include:

(i) Those portions of records which consist of advice, opinions, evaluations, or recommendations the release of which would reveal the deliberative process of the Air Force.

(ii) Advice, suggestions, or evaluations prepared for the Air Force by individual consultants or by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups formed to obtain advice and recommendations.

(iii) Those nonfactual portions of Air Force personnel evaluations of contractors and their products.

(iv) Advance information of a speculative, tentative, or evaluative nature, on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions, if such information would provide undue or unfair competitive advantage to private personal interests or would impede legitimate governmental functions.

(v) Records, exchanged between Air Force personnel and within and among components or agencies, that are prepared for anticipated administrative proceedings or litigations before any Federal, State, or military court, as well as records that qualify for the attorney-client privilege.

(vi) Official reports of inspection, audits, investigations, or surveys on the safety, security, or the internal management, administration, or operation of the Air Force that have been treated by the courts as "privileged" against disclosure in litigation.

(vii) Trade secrets or other confidential research, development, or commercial information owned by the government, where premature release is likely to affect the government's negotiating position or other commercial interests.

(2) If any such intra-agency or interagency record, or a reasonable portion of such a record is made available, on a routine basis through the "discovery process," in the course of litigation with the agency, then the record should not be withheld from the general public. The "discovery process" is that process by which litigants get information from each other that is relevant to those issues in a trial or hearing. The record or document need not be made available to a member of the general public, if the information in only made available through the "discovery process" by special order of the court.

(3) Intra-agency or interagency memorandums or letters that are factual, or that have factual portions that can be separated, are made available, on a routine basis through the "discovery process," and should, therefore, be made available to a requester, unless the factual material is "privileged" or otherwise exempt from release.

(4) Generally, a direction or order from a superior to a subordinate, though contained in an internal communication, can't be withheld from a requester if it forms policy guidance or a decision, as distinguished from a discussion of preliminary matters that would compromise the decisionmaking process.

(f) Personnel and medical files, as well as similar personal information in other files that, if diclosed to a member of the public, would result in a clearly unwarranted invasion of personal privacy.

(1) Examples include:

(i) Records compiled to evaluate or judge the suitability of candidates for employment (including membership in the Armed Forces), and the eligibility of individuals (civilian, military or industrial) for security clearances or for access to particularly sensitive classified information.

(ii) Files containing reports, records, and other material pertaining to personnel matters, where administrative action, including disciplinary action, may be taken.

(2) To determine whether releasing information would result in a "clearly unwarranted invasion of personal privacy," the request must be examined to determine the stated, known, or assumed purpose of the request. When determining whether a release is "clearly unwarranted," the public interest in satisfying that purpose must be balanced against the sensitivity of the privacy interest being threatened. This exemption must not be used in an attempt to protect the privacy of a deceased person, but may be used to protect the privacy of the deceased person's family.

(3) Personnel, medical, or similar files may be withheld from subjects of those records, or their designated legal representative, only according to 5 U.S.C. 552a, the Privacy Act of 1974 (32 CFR Part 806b).

(4) A clearly unwarranted invasion of the privacy of others, identified in a record, may be a basis for deleting some portions, even when providing it to the subject of the record.

(g) Those investigative records compiled for enforcing civil, criminal, or military law, including carrying out executive orders or regulations issued according to the law.

(1) This exemption applies only if the release of a record or portion of a record would:

(i) Interfere with enforcement proceedings;

(ii) Deprive a person of the right to a fair trial or an impartial adjudication;

(iii) Be an unwarranted invasion of the personal privacy of a living person, including surviving family members of a person identified in such a record;

(iv) Disclose the identity of a confidential source;

(v) Disclose confidential information furnished only by a confidential source and obtained by a criminal law enforcement authority in a criminal investigation, or by an agency conducting a lawful national security intelligence investigation;

(vi) Disclose investigative techniques and procedures not already in the public domain, which require protection against public disclosure to ensure that these techniques and procedures remain effective; or

(vii) Endanger the life, physical safety, or well-being of law enforcement personnel or their families.

(2) Examples of investigative records include:

(i) Statements of witnesses and other material developed during the course of the investigation, and all materials prepared for related government litigation or adjudicative proceedings.

(ii) The identity of firms or individuals being investigated for alleged irregularities that involve contracting with the Air Force, when neither an indictment has been obtained nor any civil action filed against these individuals by the United States.

(iii) Information obtained in confidence, expressed or implied, during a civil or criminal law enforcement investigation; or affirmative or counterintelligence information obtained during a lawful national security intelligence investigation, conducted by an authorized agency or office in the Air Force.

(3) The right of subjects to investigative records currently available by law is not decreased.

(4) When the subject of an investigative record is the requester of the record, see 32 CFR Part 806b.

(h) Those in or related to examination, operating, or condition reports prepared by, on the behalf of, or for the use of, an agency responsible for regulating or supervising financial institutions.

(i) Those that have geological and geophysical information and data, including maps, concerning wells.

§ 806.8 Partial denial.

Exempt portions of a record should be deleted and remaining portions that can reasonably be separated should be disclosed to the requester. Each deletion must be justified in writing, citing the FOIA exemption and corresponding section of this part. Describe the deleted material as stated in AFR 12-30, paragraph 25(b)(1) any part of a requested record is withheld, it is considered a partial denial.

Subpart C—Processing FOIA Requests

§ 806.9 Documentation Management Office (DAD) responsibilities.

Usually within each activity, the DAD is the office responsible for processing FOIA requests. As such, this office:

(a) Is the focal point for: (1) Receiving and processing FOIA requests.

(2) Providing facilities and services for inspecting, copying, and furnishing copies of records.

(3) Collecting fees, if proper.

(b) Makes available to the general public, for reference, master publication libraries established under AFR 5–31, Publications Libraries and Sets.

(c) Establishes coordination and local working agreements between administrative reference libraries and other functional areas that maintain technical, professional, and specialized types of documentation.

§ 806.10 Processing requests for records.

When a request is received for the disclosure of records under the FOIA, the FOIA manager sends requests direct to the FOIA office of other government agencies and other Air Force activities, after confirming that the record was originated by the other agency or Air Force activity. (A request for a classified record is referred to an agency outside the Department of Defense (DOD) if the record or a portion of it originated in, or if the classification is derived from, the outside agency. The outside agency must be consulted before referral.) The FOIA manager tells the requester of the referral and identifies the record referred consistent with security requirements. On complicated requests, gives sources of records rather than referring it to other agencies. Requests for National Security Council (NSC) or White House files are sent to the NSC for direct response. Records in which the NSC has a concurrent reviewing interest are sent to OASD(PA) DFOISR, Wash DC 20301, for coordination with NSC and return to the FOIA manager.

§ 806.11 Fee assessment.

(a) The Air Force supports the principle that the general public should have reasonable access to records. Fees must not be used to discourage requests.

(b) When direct search and duplication costs for a single FOIA request total less than $30, usually fees are waived automatically. However, when circumstances show (on the basis of good evidence) that the record will be used for a private or commercial interest, rather than the general public's interest, the requester may be required to justify waiving this amount.

(c) If requesters wish to have fees in excess of $30 waived, they must give information in their requests that will enable the Air Force to exercise its discretion.

(1) A simple statement that the release of records would be in the public's interst is not enough. Since the question of "benefiting the general public" hinges on the use of requested records, the identity or tax status of a requester, or the statement that the record will be made public, is not necessarily good ground for a waiver.

(2) The requester should state how the planned use of records will serve the general public's interest, the segment of the public to be benefited, and other matters that might justify waiving fees.

(3) The requester's statement must not influence the decision to release or not to release the record. It only affects whether or not the Air Force will decide to bear the cost of the request. This information is not required if a requester is willing to bear the cost.

(d) The decision to waive or reduce fees that are more than $30 must be made on a case-by-case basis, by the FOIA manager. As a general guide, fees are usually waived when any of these circumstances are met:

(1) No record is located. Fees may be charged, however, if the requester insists on a search and agrees to pay fees after being informed that such fees are assessable, whether or not records are found that meet the requester's need.

(2) All records requested are denied.

(3) A record is voluntarily created to save an otherwise burdensome effort to provide voluminous amounts of available records, including other information not requested.

(4) A request is from a nonprofit interest group, if the subject of the record is known to be of wide public interest and if it is expected that the group will make the information available to a large part of the general public.

(5) The requester is indigent and the release of records is in the general public's interest.

(6) The request is from a member of the news media, whose requests are reasonable in scope and frequency. But, news media requesters may be charged fees when:

(i) Charges exceed $30;

(ii) Either the requested record doesn't contain information considered as primarily benefiting the general public, or the search for the record requires an excessive amount of personnel time and adversely impacts on an organization's mission.

Note.—When news media requests are broad in scope and considered unreasonable, write the requester as stated in § 806.6(d). An estimate of fee charges may be included in the letter, or provided after a reframed request is received.

(7) A previous denial is reversed in whole or in part, and search and reproduction costs involved are not substantial.

(e) In order to be as responsive as possible to FOIA requests, while keeping Air Force costs to a minimum, § 806.12 should be followed.

(f) If fee assessment is required, the fee schedule in § 806.13 must be used.

§806.12 Fees assessed for FOIA requests.

RULE	A	B	C
	If the requester	and	then the requester must be advised that
1	is not willing to pay fees and can't justify fee waiver	cost of processing the request exceeds $30	the request will not be processed.
2	is willing to pay fees up to a certain amount and can't justify fee waiver		processing the request will exceed the specified amount and that the request will not be processed until he or she agrees to pay additional costs.
3	doesn't mention fees and can't justify fee waiver		the anticipated charges for processing the request will exceed $30 and that the request will not be processed until he or she agrees to pay the charges.
4	failed to pay fees previously incurred	submits another request	the subsequent request will not be processed until previous charges have been paid or waived.
5	asks for the records to be authenticated	records are authenticated according to AFR 110-10	there is a charge of $3.00 for each authentication (see note).

NOTE: This service is in addition to FOIA requirements and isn't included in FOIA fees schedule.

§806.13 Schedule of fees for searching and duplicating under the FOIA.

(a) Fees in this schedule apply to FOIA requests. These fees show direct search and duplication costs, recovery of which is permitted by the FOIA. They are neither intended to imply that fees must be charged when providing information to the public in the routine course of business, nor are they meant as a substitute for any other schedule of fees, such as described in 32 CFR Part 813.

(b) Fees need not be collected before processing the request, unless the cost is expected to exceed $30 and the requester hasn't indicated, in writing, a willingness to pay. Frequently, fees are easier to collect after processing the request, when the requester states that the cost involved is acceptable, or acceptable up to a given amount that covers expected costs. Fees should be collected before processing the request if the requester hasn't agreed, in writing, to pay the expected fee or hasn't paid fees already outstanding.

(c) The fee schedule is used to compute direct search and duplication costs for processing a FOIA request. Decisions to charge fees are based on those fee policies shown in §806.11 and §806.12. Search fees are computed based on actual time spent searching for records. Neither time-based or dollar-based minimum charges for search and duplication are authorized.

(1) Search Fees:

(i) Manual Search:

Type	Grade	Hourly rate
Clerical	E9 and GS-8 and below	$8
Professional	01-06 and GS-9-GS-15	16
Executive	07 and GS-16, ES1, and above	26

(ii) Computer search is based on the direct cost of the central processing unit, input or output devices, and memory capacity of the actual computer configuration used. Programming time associated with computer output is chargeable as search time. Charges for locally produced inquiries or desires are computed at the professional or clerical rate depending on the grade of the programmer.

(iii) Actual cost of transporting records or personnel to the search site may be included.

(2) Duplication Fees:

Type	Cost per page
Office Copy	$.10
Microfiche	.25
Printed Material	.01

(3) Audiovisual Documentary Materials. Search costs are computed as for any other record. Duplication cost is the actual direct cost of reproducing the material, including the wage of the person doing the work. Audiovisual materials provided to a requester need not be in reproducible format or quality.

(4) Other Records. Direct search and duplication cost for any record not described above must be computed in the same way as audiovisual documentary materials.

§806.14 Notice of administrative extension.

In unusual circumstances, the FOIA manager may authorize an administrative extension of the 10-day time limit for processing a request. A written notice must be sent to the requester within the initial 10 workdays, giving the reason for the extension and the date when a notice of determination is expected to be sent. The notice must not give a date that would be more than an additional 10 workdays. Information copies of this written notice must be sent to the MAJCOM or SOA DAD and HQ USAF/DAAD, Wash DC 20330. Unusual circumstances that may justify delay are:

(a) All or part of requested records are at places other than the installation processing the request.

(b) The request requires the collection and evaluation of a substantial number of records.

(c) Consultation is needed with other Air Force activities or other agencies, to determine if all or part of requested records are exempt from release, or if they should be disclosed.

Subpart D—Appeals From Denials

§806.15 Processing appeals.

(a) Appeal from denial of records:

(1) If a request for records is denied, the requester may appeal the denial, in writing, to the Office of the Secretary of the Air Force. The appeal must be made within 45 days of denial, unless a written request for an extension beyond 45 days is granted by the denial authority. This authority may be delegated. If the requester doesn't appeal or obtain a time extension within

45 days, the case may be considered closed. Further, the Air Force is not obligated to process other requests by the same requester for those same records. Requesters have exhausted all administrative remedies within the Department of the Air Force when an appeal has been filed on an initial denial and a secretarial decision made on that appeal. That decision is the final Air Force action on the request.

(2) The requester must be told to address the appeal to the Office of the Secretary of the Air Force, and send it through the DADF of the MAJCOM or SOA that denied the request. (For example, if HQ AFLC denied the request, the appeal must be sent to the Office of the Secretary of the Air Force, through HQ AFLC/DADF, Wright-Patterson AFB OH 45433.) The appeal should include the requester's arguments, in full, and reasons for submitting the appeal. Denials involving Office of Personnel Management's controlled civilian personnel records must be appealed within 10 days to the Office of the General Counsel, Office of Personnel Management, P.O. Box 7559, Wash DC 20044.

(3) After coordination with the local staff judge advocate, the MAJCOM or SOA DADF must immediately send the appeal to HQ USAF/JACL for processing, along with:

(i) The original appeal letter and initial request, with any attachments.

(ii) A copy of the denial letter, with an index of the denied material, if applicable.

(iii) A complete description of all records previously provided.

(iv) Copies of all administrative processing documents, including opinions and recommendations discussing the request.

(v) Copies of the denied record, or denied portions of the record. If the record is bulky (several cubic feet or more), a detailed description of denied documents may be substituted for actual documents, with the consent of HQ USAF/JACL.

(vi) A point-by-point discussion of any factual and legal arguments contained in the requester's appeal; and evidence that these arguments have been considered and rejected by the denial authority, and reasons therefor.

(vii) Any other documents in the file of the initial denial authority that will help in processing the appeal.

(viii) If the denial includes intra-agency documents, an explanation of the decisionmaking process and how the denied material fits into that process.

(4) If the initial time limit was extended, the number of additional days used in making the determination must be given.

(5) HQ USAF/JACL either gets approval from the Vice Chief of Staff, USAF, or his or her designee, to release the requested record, or sends the appeal, through the Office of the General Counsel, to the Administrative Assistant to the Secretary of the Air Force (SAF/AA), for final determination.

(6) A determination must be made on an appeal within 20 workdays after it reaches the Office of the Secretary of the Air Force.

(i) If the denial is upheld, in whole or in part, the Secretary's office tells the requester of the determination, explains reasons for the denial, and tells the requester of his or her right to a judicial review of that determination.

(ii) If the appeal is granted, the Office of the Secretary of the Air Force notifies the requester in writing, and releases the record or directs its release.

(b) Appeal from denial to waive or reduce fees:

(1) If a request for a fee waiver or reduction is denied, the requester may appeal to the Secretary of the Air Force.

(2) The requester must be told to address the appeal to the Office of the Secretary of the Air Force, and send it through the DADF of the activity that denied the request for the waiver. The appeal should include the requester's arguments, in full, and reasons for submitting the appeal.

(3) On an appeal, the DADF that denied the waiver of fees must reconsider that denial. If the determination is still to deny waiver, the DADF, after coordination with the local staff judge advocate and MAJCOM/DADF, must immediately send the appeal to HQ USAF/JACL for processing, along with:

(i) The original appeal letter and initial request.

(ii) A copy of the denial letter.

(iii) A point-by-point discussion of any factual and legal arguments contained in the appeal; and evidence that these arguments have been considered and rejected by the official denying the request, and reasons therefor.

(iv) A full accounting of costs incurred or projected in acting on the request.

(v) Any other documents in the file that will help in processing the appeal.

(4) Appeals must be coordinated with the local staff judge advocate before sending them to HQ USAF/JACL.

Subpart E—How the Public Submits FOIA Requests

§ 806.16. Submitting FOIA requests.

Requests must be in writing, giving such information as is reasonably required to identify and locate records. To speed up processing, requesters should address their requests as shown in § 806.17 and § 806.18. Unless otherwise shown in § 806.17 and § 806.18, requesters should use the office symbol DADF when addressing correspondence about their request for records to any Air Force activity. The symbol DADF is the standard Air Force-wide functional address symbol used to identify all forms of communication about requests for records under the Freedom of Information Act. (The DADF symbol must not be used on regular correspondence.)

§ 806.17. Where to send FOIA requests.

RULE	A	B
	If the request is for	then address the request to
1	records of civilian employees currently employed by the Air Force	the DADF of base or activity where the civilian is employed.
2	records of civilian employees no longer employed by the federal service	National Personnel Records Center (Civilian Personnel Records) 111 Winnebago Street St Louis MO 63118.
3	records of members and former members of the Air Force, Air Force Reserve, or National Guard	(see table 4.)
4	reports of investigation compiled by the Air Force OSI (see AFR 124-4.)	HQ AFOSI/DADF Bolling AFB DC 20332.
5	records of personnel security investigations	Defense Investigative Service Asst for Information 1900 Half Street, NW Wash DC 20324.
6	records where the location is known	the DADF of the base where the record is located.
7	records where the location is not known	1947 ASG/DADF Wash DC 20330.

§ 806.18. Where to address requests for records of military personnel.

RULE	A	B	C
	If military member's status is	and present or past military rank is	then address request to
1	on extended active duty	a commissioned officer or warrant officer	organization of assignment, if known; otherwise to: HQ AFMPC/MPCDOO Randolph AFB TX 78150.
2	on extended active duty	an airman	organization of assignment, if known; otherwise to: HQ AFMPC/MPCDOA Randolph AFB TX 78150.
3	a member of the Air Force Reserve or Air National Guard not on extended active duty	a commissioned officer, warrant officer, or airman	ARPC/DADF Denver CO 80280.
4	retired for temporary disability		HQ AFMPC/MPCDOM Randolph AFB TX 78150.
5	retired with pay	a general officer	HQ AFMPC/MPCDOO Randolph AFB TX 78150.
6		other than a general officer	National Personnel Records Center (Military Personnel Records) 9700 Page Blvd St Louis MO 63132.
7	former member, no longer has an Air Force affiliation	a commissioned officer, warrant officer, or airman	
8	unknown	unknown	HQ AFMPC/MPCDO Randolph AFB TX 78150.

NOTE: Records of members and former members of the Air Force are maintained in different locations, depending on the member's current status. Send requests for such records to the address indicated in this table.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-9245 Filed 4-7-83; 8:45 am]

BILLING CODE 3910-01-M

32 CFR Part 930

USAF Military Working Dog Program

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 930—USAF Military Working Dog Program, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 125-5, has been revised. It is intended for internal guidance and has no applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Capt Doonan, HQ Air Force Office of Security Police, SPOT, Kirtland AFB, NM 87117, Telephone, 505–844–2789.

SUPPLEMENTARY INFORMATION:

PART 930—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 930.

List of Subjects in 32 CFR Part 930

Animals, Federal buildings and facilities, Law enforcement, Security measures, Veterinarians.

(10 U.S.C. 8012)

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-9233 Filed 4-7-83; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH-FRL 2339-7]

Hazardous Waste Management System: General

AGENCY: Environmental Protection Agency.

ACTION: Technical amendment to final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today amending Appendix III of 40 CFR Part 261 (Chemical Analysis Test Methods) by realigning the lists of test methods and assigning new method numbers. The new format incorporates the numbering system used in the second edition of the test methods manual "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," (1982) (EPA Publication No. SW–846), and makes no substantive changes. It also expands the numbering system used in the Appendix to allow for future incorporation of new methods.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline at (800) 424–9346 (toll free), or (202) 382–3000. For technical information contact James Poppiti, Office of Solid Waste (WH–565B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382–4770.

SUPPLEMENTARY INFORMATION: EPA recently announced the availability of the second edition of its test methods manual "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," (1982) (EPA Publication No. SW–846) **Federal Register** (47 FR 41562). The second edition of this manual, although not including any new analytical procedures, is significantly reorganized and includes expanded explanatory information compared to the first edition. As a result of this reorganization, an expanded sampling and analysis method numbering system was necessary.

The following tables summarize the reorganization and method numbering changes made in the second edition of the methods manual:

Section description	First edition section	Second edition section
Evaluation Plan Design	1.0	1.0
Chain of Custody Procedures	2.0	1.3
Sampling Methodology	3.0	1.4
Sampling Plan Design	3.1	1.1
Sampling Equipment	3.2	1.2.1
Sample Containers	3.3	1.4.1
Sample Handling and Preservation	3.4	1.3
Ignitability	4.0	2.1.1
Corrosivity	5.0	2.1.2
pH Measurement	5.2	9.0
Reactivity	6.0	2.1.3
Extraction Procedure Toxicity	7.0	2.1.4
Quality Assurance/Quality Control	10.0	10.0

Method description	First edition method(s)	Second edition method(s)
Volatile Organics, general	8.01	8010 8015 8020
Volatile Aromatics, selected Ketones and Ethers	8.02	8090
Acrolein, Acrylonitrile and Acetonitrile	8.03	8030
Phenols	8.04	8040
Semi-Volatile Organics	8.06	8060
Organochlorine Pesticides and PCBs	8.08	8080
Nitroaromatics	8.09	8090
Polynuclear Aromatic Hydrocarbons GC Method	8.10	8100
Semi-Volatile Organic Hydrocarbons	8.12	8120
Organophosphorus Pesticides	8.22	8140
Chlorophenoxy Acid Pesticides	8.40	8150
Volatile Organics GC/MS	8.24	8240
Semi-Volatile Organics GC/MS	8.25	8250
Capillary Column GC/MS Method for the Analysis of Wastes	8.27	8270
Polynuclear Aromatic Hydrocarbons LC Method	8.30	8310
Antimony	8.50	7040 7041
Arsenic	8.51	7060 7061
Barium	8.52	7080 7081
Cadmium	8.53	7090 7091
Chromium	8.54	7190 7191
Hexavalent Chromium: Coprecipitation	8.545	7195
Hexavalent Chromium: Colorimetric	8.546	7196
Hexavalent Chromium: Chelation/Extraction	8.547	7197
Alkaline Digestion	8.548	3060
Lead	8.56	7420 7421
Mercury	8.57	7470 7471
Nickel	8.58	7520 7521
Selenium	8.59	7740 7741
Silver	8.60	7760 7761
Cyanide	8.55	9010
Total Organic Halide	8.56	9020
Sulfides	8.57	9030
Headspace	8.82	5020
Purge and Trap	8.83	5030
Shake Out	8.84	3510
Soxhlet Extraction	8.86	3540
Liquid-Liquid Extraction	9.01	3520

Appendix III of Part 261 lists the sampling and analysis test methods the regulated community can use to evaluate their solid waste. This appendix currently is organized according to the first edition of the methods manual. Because the second edition of the manual reflects a reorganization and expansion of the first edition, it is necessary to reformat Appendix III in order to avoid any confusion when using either manual. The new format of Appendix III will also make it easier for the Agency to issue, and the regulated community to refer to and comment on, subsequent additions and changes to the Chemical Analysis Test Methods contained in Appendix III and the methods manual. EPA is making this change effective immediately and does not feel a comment period is necessary since this technical amendment merely reorganizes Appendix III to correlate with the revised methods manual.

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Dated: March 30, 1983.

Lee M. Thomas,

Acting Assistant Administrator.

PART 261—[AMENDED]

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

2. Appendix III of Part 261 is revised to read as follows:

Appendix III—Chemical Analysis Test Methods

Tables 1, 2, and 3 specify the appropriate analytical procedures, described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," (incorporated by reference, see § 260.11) which shall be used to determine whether a sample contains a given Appendix VII or VIII toxic constituent.

Table 1 identifies each Appendix VII or VIII organic constituent along with the approved measurement method. Table 2 identifies the corresponding methods for inorganic species. Table 3 summarizes the contents of SW-846 and supplies specific section and method numbers for sampling and analysis methods.

Prior to final sampling and analysis method selection the analyst should consult the specific section or method described in SW-846 for additional guidance on which of the approved methods should be employed for a specific sample analysis situation.

TABLE 1.—ANALYSIS METHODS FOR ORGANIC CHEMICALS CONTAINED IN SW-846

Compound	First edition method(s)	Second edition method(s)
Acetonitrile	8.03, 8.24	8030, 8240
Acrolein	8.03, 8.24	8030, 8240
Acrylamide	8.01, 8.24	8015, 8240
Acrylonitrile	8.03, 8.24	8030, 8240
Benzene	8.02, 8.24	8020, 8024
Benz(a)anthracene	8.10, 8.25	8100, 8250, 8310
Benzo(a)pyrene	8.10, 8.25	8100, 8250, 8310
Benzotrichloride	8.12, 8.25	8120, 8250
Benzyl chloride	8.01, 8.12, 8.24, 8.25	8120, 8250
Benzo(b)fluoanthene	8.10, 8.25	8100, 8250, 8310
Bis(2-chloroethoxymethane)	8.01, 8.24	8010, 8240
Bis(2-chloroethyl)ether	8.01, 8.24	8010, 8240
Bis(2-chloroisopropyl)ether	8.01, 8.24	8010, 8240
Carbon disulfide	8.01, 8.24	8015, 8240
Carbon tetrachloride	8.01, 8.24	8010, 8240
Chlordane	8.06, 8.25	8080, 8250
Chlorinated dibenzodioxins	8.08, 8.25	8080, 8250
Chlorinated biphenyls	8.08, 8.25	8080, 8250
Chloroacetaldehyde	8.01, 8.24	8010, 8240
Chlorobenzene	8.01, 8.02, 8.24	8020, 8240
Chloroform	8.01, 8.24	8010, 8240
Chloromethane	8.01, 8.24	8010, 8240
2-Chlorophenol	8.04, 8.25	8040, 8250
Chrysene	8.10, 8.25	8100, 8250, 8310
Creosote [1]	8.10, 8.25	8100, 8250
Cresol(s)	8.04, 8.25	8040, 8250
Cresylic Acid(s)	8.04, 8.25	8040, 8250
Dichlorobenzene(s)	8.01, 8.02, 8.12, 8.25	8010, 8120, 8250
Dichloroethane(s)	8.01, 8.24	8010, 8240
Dichloromethane	8.01, 8.24	8010, 8240
Dichlorophenoxyacetic acid	8.40, 8.25	8150, 8250
Dichloropropanol	8.12, 8.25	8120, 8250
2,4-Dimethylphenol	8.04, 8.25	8040, 8250
Dinitrobenzene	8.09, 8.25	8090, 8250
4,6-Dinitro-o-cresol	8.04, 8.25	8040, 8250
2,4-Dinitrotoluene	8.09, 8.25	8090, 8250
Endrin	8.08, 8.25	8080, 8250
Ethyl ether	8.01, 8.02, 8.24	8015, 8240
Formaldehyde	8.01, 8.24	8015, 8240
Formic acid	8.06, 8.25	8250
Heptachlor	8.06, 8.25	8080, 8250
Hexachlorobenzene	8.12, 8.25	8120, 8250
Hexachlorobutadiene	8.12, 8.25	8120, 8250
Hexachloroethane	8.12, 8.25	8010, 8240
Hexachlorocyclopentadiene	8.12, 8.25	8120, 8250
Lindane	8.08, 8.25	8080, 8250
Maleic anhydride	8.06, 8.25	8250
Methanol	8.01, 8.24	8010, 8240
Methomyl	8.32	8250
Methyl ethyl ketone	8.01, 8.02, 8.24	8015, 8240
Methyl isobutyl ketone	8.01, 8.02, 8.24	8015, 8240
Napthalene	8.10, 8.25	8100, 8250
Napthoquinone	8.06, 8.09, 8.25	8090, 8250
Nitrobenzene	8.09, 8.25	8090, 8250
4-Nitrophenol	8.04, 8.25	8040, 8240
Paraldehyde (trimer of acetaldehyde)	8.01, 8.24	8015, 8240
Pentachlorophenol	8.04, 8.25	8040, 8250
Phenol	8.04, 8.25	8040, 8250
Phorate	8.22	8140
Phosphorodithioic acid esters	8.06, 8.09, 8.22	8140
Phthalic anhydride	8.06, 8.09, 8.25	8090, 8250
2-Picoline	8.06, 8.09, 8.25	8090, 8250
Pyridine	8.06, 8.09, 8.25	8090, 8250
Tetrachlorobenzene(s)	8.12, 8.25	8120, 8250
Tetrachloroethane(s)	8.01, 8.24	8010, 8240
Tetrachloroethene	8.01, 8.24	8010, 8240
Tetrachlorophenol	8.04, 8.24	8040, 8250
Toluene	8.02, 8.24	8020, 8024
Toluenediamine	8.25	8250
Toluene diisocyanate(s)	8.06, 8.25	8250
Toxaphene	8.08, 8.25	8080, 8250
Trichloroethane	8.01, 8.24	8010, 8240
Trichloroethene(s)	8.01, 8.24	8010, 8240
Trichlorofluoromethane	8.01, 8.24	8010, 8240
Trichlorophenol(s)	8.04, 8.25	8040, 8250

[1] Analyne for phenanthrene and carbazole; if these are present in a ratio between 1.4:1 and 5:1 creosote should be considered present.

TABLE 2.—ANALYSIS METHODS FOR INORGANIC CHEMICALS CONTAINED IN SW-846

Compound	First edition method(s)	Second edition method(s)
Antimony	8.50	7040, 7041
Arsenic	8.51	7060, 7061
Barium	8.52	7080, 7081
Cadmium	8.53	7090, 7091
Chromium	8.54	7190, 7191
Chromium: Hexavalent	8.545, 8.546, 8.547	7195, 7196, 7197
Lead	8.56	7420, 7421
Mercury	8.57	7470, 7471
Nickel	8.58	7520, 7521
Selenium	8.59	7740, 7741
Silver	8.60	7760, 7761
Cyanides	8.55	9010
Total Organic Halogen	8.66	9020
Sulfides	8.67	9030

TABLE 3.—SAMPLING AND ANALYSIS METHODS CONTAINED IN SW-846

Title	First edition		Second edition	
	Section No.	Method No.	Section No.	Method No.
Sampling of Solid Wastes	1.0		1.0	
Development of Appropriate Sampling Plans	1.0		1.1	
Regulatory and Scientific Objectives	1.0-2		1.1.1	
Fundamental Statistical Concepts	1.0-3		1.1.2	
Basic Statistical Strategies	1.0-7		1.1.3	
Simple Random Sampling			1.1.3.1	
Stratified Random Sampling			1.1.3.2	
Systematic Random Sampling			1.1.3.3	
Special Considerations	1.0-7			
Composite Sampling			1.1.4.1	
Subsampling			1.1.4.2	
Cost and Loss Functions			1.1.4.3	
Implementation of Sampling Plan	1.0-7		1.2	
Selection of Sampling Equipment			1.2.1	
Composite Liquid Waste Sampler	3.2.1		1.2.1.1	
Weighted Bottle	3.2.2		1.2.1.2	
Dipper	3.2.3		1.2.1.3	
Thief	3.2.4		1.2.1.4	
Trier	3.2.5		1.2.1.5	
Auger	3.2.6		1.2.1.6	
Scoop and Shovel	3.2.7		1.2.1.7	
Selection of Sample Containers	3.3		1.2.2	
Processing and Storage of Samples	3.3		1.2.3	
Documentation of Chain of Custody	2.0		1.3	
Sample Labels	2.0-1		1.3.1	
Sample Seals	2.0-3		1.3.2	
Field Log Book	2.0-5		1.3.3	
Chain-of-Custody Record	2.0-6		1.3.4	
Sample Analysis Request Sheet	2.0-9		1.3.5	
Sample Delivery to Laborstory	2.0-10		1.3.6	
Shipping of Samples	2.0-10		1.3.7	
Receipt and Logging of Sample	2.0-12		1.3.8	
Assignment of Sample for Analysis	2.0-13		1.3.9	
Sampling Methodology	3.0		1.4	
Containers	3.2-2		1.4.1	
Tanks	3.2-2		1.4.2	
Waste Piles	3.2-2		1.4.3	
Landfills and Lagoons	3.2-2		1.4.4	
Waste Evaluation Procedures			2.0	

TABLE 3.—SAMPLING AND ANALYSIS METHODS CONTAINED IN SW-846—Continued

Title	First edition		Second edition	
	Section No.	Method No.	Section No.	Method No.
Characteristics of Hazardous Waste			2.1	
Ignitability	4.0		2.1.1	
Pensky-Martens Closed-Cup Method	4.1		2.1.1	1010
Setaflash Closed-Cup Method	4.1		2.1.1	1020
Corrosivity	5.0		2.1.2	
Corrosivity Toward Steel	5.3		2.1.2	1110
Reactivity	6.0		2.1.3	
Extraction Procedure Toxicity	7.0		2.1.4	
Extraction Procedure Toxicity Test	7.1, 7.2, 7.5			
Method and Structural Integrity Test	7.4		2.1.4	1310
Sample Workup Techniques			4.0	
Inorganic Techniques	8.49		4.1	
Acid Digestion for Flame AAS	[1]		4.1	3010
Acid Digestion for Furnace AAS	[1]		4.1	3020
Acid Digestion of Oil, Grease, or Wax	8.49-9		4.1	3030
Dissolution Procedure for Oil, Grease or Wax	8.49-8			
Alkaline Digestion	8.0	8.458	4.1	3060
Organic Techniques	8.0		4.2	
Separatory Funnel Liquid-Liquid Extraction	9.0	9.1	4.2	3510
Continuous Liquid-Liquid Extraction	9.0	9.01	4.2	3520
Acid-Base Cleanup Extraction	8.0	8.84	4.2	3530
Soxhlet Extraction	8.0	8.86	4.2	3540
Sonication Extraction	8.0	8.85	4.2	3550
Sample Introduction Techniques			5.0	
Headspace	8.0	8.82	5.0	5020
Purge-and-Trap	8.0	8.83	5.0	5030
Inorganic Analytical Methods	8.0		7.0	
Antimony, Flame AAS	8.0	8.50	7.0	7470
Antimony, Furnace AAS	8.0	8.50	7.0	7471
Arsenic, Flame AAS	8.0	8.51	7.0	7060
Arsenic, Furnace AAS	8.0	8.51	7.0	7061
Barium, Flame AAS	8.0	8.52	7.0	7080
Barium, Furnace AAS	8.0	8.52	7.0	7081
Cadmium, Flame AAS	8.0	8.53	7.0	7130
Cadmium, Furnace AAS	8.0	8.53	7.0	7131
Chromium, Flame AAS	8.0	8.54	7.0	7090
Chromium, Furnace AAS	8.0	8.54	7.0	7191
Chromium, Hexavalent, Coprecipitation	8.0	8.545	7.0	7195
Chromium, Hexavalent, Colorimetric	8.0	8.546	7.0	7196
Chromium, Hexavalent, Chelation	8.0	8.547	7.0	7197
Lead, Flame AAS	8.0	8.56	7.0	7420
Lead, Furnace AAS	8.0	8.56	7.0	7421
Mercury, Cold Vapor, Liquid	8.0	8.57	7.0	7470
Mercury, Cold Vapor, Solid	8.0	8.57	7.0	7471
Nickel, Flame AAS	8.0	8.58	7.0	7520
Nickel, Furnace AAS	8.0	8.58	7.0	7521
Selenium, Flame AAS	8.0	8.59	7.0	7740
Selenium, Gaseous Hydride AAS	8.0	8.59	7.0	7741
Silver, Flame AAS	8.0	8.60	7.0	7760
Silver, Furnace AAS	8.0	8.60	7.0	7761
Organic Analytical Methods	8.0		8.0	
Gas Chromatographic Methods	8.0		8.1	
Halogenated Volatile Organics	8.0	8.01	8.1	8010
Nonhalogenated Volatile Organics	8.0	8.01	8.1	8015
Aromatic Volatile Organics	8.0	8.02	8.1	8020
Acrolein, Acrylonitrile, Acetonitrile	8.0	8.03	8.1	8030
Phenols	8.0	8.04	8.1	8040
Phthalate Esters	8.0	8.06	8.1	8060
Organochlorine Pesticides and PCBs	8.0	8.06	8.1	8080
Nitroaromatics and Cyclic Ketones	8.0	8.09	8.1	8090
Polynuclear Aromatic Hydrocarbons	8.0	8.10	8.1	8100
Chlorinated Hydrocarbons	8.0	8.12	8.1	8120
Organophosphorus Pesticides	8.0	8.22	8.1	8140
Chlorinated Herbicides	8.0	8.40	8.1	8150
Gas Chromatographic/Mass Spectroscopy Methods (GC/MS)	8.0		8.2	
GC/MS Volatiles	8.0	8.24	8.2	8240
GC/MS Semi-Volatiles, Packed Column	8.0	8.25	8.2	8250
GC/MS Semi-Volatiles, Capillary	8.0	8.27	8.2	8270
High Performance Liquid Chromatographic Methods (HPLC)	8.0		8.3	
Polynuclear Aromatic Hydrocarbons	8.0	8.10	8.3	8310
Miscellaneous Analytical Methods	8.0		9.0	
Cyanide; Total and Amenable to Chlorination	8.0	8.55	9.0	9010
Total Organic Halogen (TOX)	8.0	8.66	9.0	9020
Sulfides	8.0	8.67	9.0	9030
pH Measurement	5.0	5.2	9.0	9040
Quality Control/Quality Assurance	10.0		10.1	
Introduction	10.0		10.1	
Program Design	10.0		10.2	
Sampling	10.0		10.3	
Analysis	10.0		10.4	
Data Handling	10.0		10.5	

[1] See specific metal.

[FR Doc. 83-8952 Filed 4-7-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 671

[Docket No. 21110-226]

Foreign Fishing and Tanner Crab Off Alaska

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

ACTION: Final rule.

SUMMARY: NOAA issues a final rule implementing Amendment 7 to the Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska. The rule: (1) Eliminates the existing foreign fishery for *Chionoecetes opilio* Tanner crab in the Bering Sea District by specifying that the optimum yield (OY) equals the domestic annual harvest, thereby reducing the total allowable level of foreign fishing to zero; (2) changes the OY specification for *C. bairdi* Tanner crab in the Bering Sea District; (3) specifies the OY for all Tanner crab in the modified South Peninsula and the new Chignik Districts; and (4) corrects the metric ton expression of the OY for all Tanner crab in the Kodiak District. The amendment is intended to encourage expansion of the U.S. fishery for *C. opilio* Tanner crab, and to maintain the biological productivity of Tanner crab stocks.

EFFECTIVE DATE: May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. McVey, 907-586-7221.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska (FMP), developed by the North Pacific Fishery Management Council (Council), was implemented on December 6, 1978 (43 FR 57149). Following initial implementation, the FMP has been amended six times under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.*

The Council developed Amendment 7 to the FMP late in 1980. Amendment 7 makes the following changes in the FMP:

(1) Specifies the optimum yield (OY) for *Chionoecetes opilio* Tanner crab in the Bering Sea District to equal the domestic annual harvest (DAH) estimate of 39.5 to 91.0 million pounds, thereby reducing the total allowable level of foreign fishing (TALFF) to zero.

(2) Specifies the OY for *C. bairdi* Tanner crab in the Bering Sea District as a range from 28.0 to 36.0 million pounds.

(3) Specifies the OY for all Tanner crab in the new Chignik District as 5.0 million pounds.

(4) Specifies the OY for all Tanner crab in the modified South Peninsula District as 6.0 million pounds.

This rule implements those changes to the FMP, and additionally corrects the metric ton expression of the OY for all Tanner crab in the Kodiak District from 15,865 mt to 15,876 mt.

The preamble to the proposed rule (46 FR 44203, September 3, 1981) thoroughly discussed the need and justification for Amendment 7; it also invited public comments on the proposed rule until October 19, 1981. Public comments received have been considered and are responded to below. After considering the comments, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has decided to give final approval to Amendment 7 and to implement it with final rules.

These final rules incorporate the following changes from the regulations as proposed. First, a uniform coversion rate of 2204.6 pounds per metric ton has been used in expressing OY in metric tons; hence, the OYs for Tanner crab in the Kodiak and Bering Sea Districts vary somewhat from the figures previously published. In addition, the OYs for all districts are specified in millions of pounds. Second, the so-called "TALFF table", formerly codified as Appendix 1 to 50 CFR 611.20, has been removed from the Code of Federal Regulations (47 FR 44264, October 7, 1982). Therefore, there is no need to remove the entry formerly designated C for the Alaska fisheries from that Appendix, which specified the OY, DAH, DAP, JVP, DNP, reserve and TALFF for Tanner crab.

Public Comments

1. *Comment:* The FMP was not amended in accordance with the procedures specified in the Magnuson Act, because section 303(a) of the Magnuson Act requires that maximum sustainable yield (MSY), OY, DAH, and TALFF be assessed and specified in that sequence, and that the calculation of each value not take account of values coming later in the sequence.

Response: Nothing in the Magnuson Act or its legislative history indicates that the order in which the required features of an FMP were set forth in section 303(a) was intended to prescribe a binding sequence for the calculation of MSY, OY, DAH, and TALFF, or to require that any of these values except MSY be derived without reference to the others. Section 303(a) thus does not even specify a mode or sequence of reasoning much less the "procedure" argued for by the commenter. In fact, it would be unlawful under section 3(18) of the Magnuson Act for OY to be calculated without reference to the resulting level of TALFF where, as in this case, it involves economic factors relevant to a determination of the greatest overall benefit to this Nation.

2. *Comment:* Any departure from MSY in the calculation of OY is premature until the agency has a full understanding of the fishery based on its management for a time at the MSY level. Only then can relevant economic, social, and ecological factors be sufficiently understood to form the basis for adjustments to MSY.

Response: Under section 301(a)(2) of the Magnuson Act, management of a fishery is to be based on "the best scientific information available." A "full understanding" of that fishery is not a prerequisite to management. Given the current inexact nature of fishery science, the attainment of a "full understanding" of any fishery is unlikely in the foreseeable future. Nothing in the Magnuson Act or its legislative history indicates that there is an implied exception to section 3(18) under which relevant economic, social, and ecological factors may be ignored in the calculation of OY pending the attainment of a "full understanding" of the fishery.

3. *Comment:* The OY for *C. opilio* in the Bering Sea is based completely on the DAH and bears no quantitative relationship to the MSY.

Response: The OY for *C. opilio* in the Bering Sea is expressed as a quantitative range, the lower end of which is the 1980 U.S. harvest and the upper end of which is the acceptable biological catch (ABC), which is conceded by the commenter to be substantially equivalent to the MSY. The expression of OY as a range is well established by practice under the Magnuson Act, and the establishment of the upper end of this OY range at ABC belies the commenter's assertion that the OY has not been prescribed on the basis of MSY. That OY is always equal to DAH thus does not affect the fact that it is also based on MSY.

4. *Comment:* The specification of the OY for *C. opilio* in the Bering Sea to eliminate TALFF is contrary to current policies favoring free competition in the United States and world markets.

Response: The elimination of TALFF by setting OY equal to DAH was based on a finding, in a study referred to in the preamble to the proposed rule (*see* 46 FR at 44204), that the control of U.S. and

Japanese Tanner crab markets by Japanese fishing companies having an interest in perpetuating their participation in the Bering Sea Tanner crab fishery may have had anticompetitive effects that hindered development of U.S. Tanner crab fisheries. The elimination of an incentive for such hindrance—the possibility of a TALFF—was intended to increase competition, not restrict it.

5. *Comment:* The specification of the OY for *C. opilio* in the Bering Sea to equal DAH violates National Standard 5 of the Magnuson Act because it is a conservation and management measure having economic allocation as its sole purpose.

Response: National Standard 5 in part provides that "[N]o [conservation and management] measure shall have economic allocation as its sole purpose." It is clear that specifying the *C. opilio* OY as equal to DAH does not violate this provision for two reasons. First, the OY from a fishery is not itself a conservation and management measure. Second, even if it were, this specification of OY does not have economic allocation as its sole purpose. Because the OY specification is based on the ABC, it has as its primary purpose the maintenance of *C. opilio* stocks at a high level of biological productivity. Further, because it is intended to eliminate what appear to be anticompetitive arrangements in the Tanner crab market, the OY specification also has as a purpose an increase in the total amount of Tanner crab products available at reasonable prices to consumers both in the United States and abroad.

6. *Comment:* The specification of OY for *C. opilio* in the Bering Sea to equal DAH violates National Standard 1 of the Magnuson Act because it is unlikely that the U.S. harvest will reach the upper end of the OY range, and therefore OY will not be "achieved."

Response: National Standard 1 requires in part that conservation and management measures achieve OY on a continuing basis. As was indicated in the response to comment 5, the OY from a fishery is not a "conservation and management measure;" rather, it stands as a goal the achievement of which must be considered in designing specific aspects of the management regime (such as area closures or gear restrictions). Furthermore, the OY for *C. opilio* in the Bering Sea District is specified as a DAH range between the 1980 U.S. harvest of 39.5 million pounds and the ABC of 91.0 million pounds. Any U.S. harvest that fell between these two amounts by definition would equal and result in achievement of the OY. Achievement of the OY does not require that the upper end of the OY range be harvested.

7. *Comment:* Congress did not intend to grant the Council and NOAA the authority to regulate the economics of fisheries.

Response: This assertion is inconsistent with language in the Magnuson Act. Section 3(18) of the Magnuson Act states that, in the specification of OY, "relevant economic . . . factor[s]" may be used to modify the MSY. More specifically, one of the purposes of the Magnuson Act is to promote the development of the U.S. fishing industry in fisheries underutilized by U.S. fishermen, "and to that end, to ensure that optimum yield determinations promote such development." Thus it is clear that the Magnuson Act authorizes the Council and NOAA to specify the OY on the basis of factors designed to promote competition between U.S. and foreign fishermen in the marketplace.

8. *Comment:* The specification of OY for *C. opilio* in the Bering Sea to equal DAH violates the policy of the Trade Act of 1974 to encourage the dismantling of international barriers to the availability of supplies of goods to all nations.

Response: The specification of the OY to equal DAH is consistent with, and furthers the policy of, the Trade Act of 1974 to reduce barriers to international movement of supplies of goods. As was noted in the preamble to the proposed rule (46 FR at 44204), the theory underlying this specification of OY is that demand for U.S. exports of Tanner crab is probably being depressed artificially by an anticompetitive arrangement, similar to the types against which the Trade Act was directed. Elimination of this anticompetitive arrangement is expected to increase the ability of the U.S. fishing industry to provide supplies of Tanner crab products at reasonable prices to the world market. The OY specification is intended to shift the source of supply from Japan to the United States so that the United States can fill the foreign market. In short, this specification of OY will not restrict Japanese access to Tanner crab supplies at reasonable prices.

9. *Comment:* The economic factor that was considered in specifying the OY for *C. opilio* in the Bering Sea to equal DAH is relevant only to the assessment of DAH, and should not have formed a basis for the specification of OY.

Response: Under section 3(18) of the Magnuson Act "any relevant economic . . . factor" may be considered when specifying the OY from a fishery. Therefore, the economic factor used to assess the *C. opilio* DAH was relevant.

10. *Comment:* The amendment fails to assess and specify the DAH for *C. opilio* in the Bering Sea because questions concerning costs of production and price were not answered and because the DAH range of 51 million pounds is too large. Uncertainty as to the exact level of the U.S. harvest should have been dealt with through the specification of a reserve that could be apportioned to TALFF during the season if not harvested by U.S. fishermen.

Response: Section 301(a)(2) of the Magnuson Act requires that an FMP be based on the best scientific information available, even if that information is not sufficient to resolve all doubts. The questions concerning costs of production and price that were raised in the commenter's submission are relevant to the assessment of DAH. However, as was acknowledged in that submission, the information necessary for the resolution of these questions is not available. The Council was not required to undertake the great expense of producing that information before addressing the problems to which the amendment responds.

While the DAH range for *C. opilio* in the Bering Sea is very large, it is by no means a foregone conclusion that the upper end of that range will not be achieved by U.S. fishermen in the near future. The pattern of expansion in U.S. fisheries under the Magnuson Act has been one of sudden, prodigious increases in growth during a single year, interrupted by years of little or no growth. It is entirely reasonable to expect that the U.S. harvest of *C. opilio* in the Bering Sea will reach the upper bound of the ABC, based on previous patterns of U.S. expansion in this and other fisheries.

Establishing a "reserve" for *C. opilio* in the Bering Sea would have defeated the basic objective of the OY specification by leaving open the possibility of a foreign Tanner crab fishery if U.S. fishermen failed to take the entire ABC. A "reserve" would have provided an incentive to the Japanese companies that control U.S. and Japanese Tanner crab markets to depress artificially their demand for U.S.-harvested *C. opilio* in hopes of lowering the U.S. harvest and obtaining a TALFF.

11. *Comment:* In assessing DAH for *C. opilio* in the Bering Sea, the Council should have considered the capacity and extent to which the stock would be harvested by U.S. fishermen, and not the capacity and intent of U.S. fishermen to harvest the stock.

Response: Comment accepted. It is the actual extent to which U.S. fishermen will harvest OY, and not their mere intent to do so, which must be determined in the specification of DAH. In approving the amendment, the Assistant Administrator determined that the DAH for *C. opilio* in the Bering Sea reflects the extent to which that stock will be harvested by U.S. fishermen.

12. *Comment:* The OY specification for *C. opilio* in the Bering Sea is not based on the best scientific information available, because the economic study forming its basis included only information from U.S. processors and because that study did not analyze production costs and prices.

Response: Comparison of costs of production between U.S. and foreign processors was not studied for two reasons. First, these data are not available from either the U.S. or foreign processing companies. From discussions held with representatives of U.S. companies, it became apparent that cost of production data are regarded as very confidential since those companies do not wish to reveal their competitive position to other companies. The Council economist also met with representatives of the Japanese Tanner crab industry during the course of his study. Although that industry did provide some data, cost-of-production data for Tanner crab were not included.

Second, even if these data were available, the comparative costs of production between U.S. and foreign processing companies are not at issue. The U.S. industry has demonstrated, over the short history of its participation in the *C. opilio* fishery, the ability to produce and market products at a price consumers are willing to pay, both in domestic and foreign markets. As an example, the Japanese wholesale prices for the same *C. opilio* product produced by the respective Japanese and U.S. fishing industries are compared in Table 16 of the Tanner crab market study. This example shows that a U.S. processing company was able to put on the Japanese wholesale market the same product as that produced by Japanese mothership fleet companies, at a lower price. This was possible despite the Japanese import tariffs included in the price for the U.S. product.

13. *Comment:* The Council was so totally predisposed to eliminating the TALFF for *C. opilio* in the Bering Sea that the scientific information developed to support it constitutes a mere after-the-fact rationalization.

Response: The Council did make known its desire to eliminate the TALFF for Bering Sea *C. opilio* at its October 4–5, 1979, meeting. The former Assistant Administrator, however, independently reviewed the Council-prepared economic analysis that supported Amendment 7 and concluded that it incorporated the best available scientific information and that it supports elimination of the TALFF for Tanner crab. Although the underlying motivation for the study may have been the Council's desire to end the foreign fishery for Tanner crab, that does not appear to have affected the Council's adherence to high professional standards in gathering and presenting much previously unavailable information about Tanner crab markets.

The Council recognized that there are many gaps in the available scientific information. The existence of these gaps, however, is irrelevant to the question of whether the OY specification is based on the best available information, however sparse it might be. It cannot be ignored that neither commenter volunteered significant substantive information to supplement or refute the information contained in the Council study.

14. *Comment:* The "complications" in the Japanese Tanner crab market, relied upon as evidence of anticompetitive practices, have had beneficial effects on the U.S. Tanner crab industry.

Response: While some benefits may have occurred, the amendment is based on the conclusion that the adverse effects of these "complications" on the U.S. Tanner crab industry outweigh the benefits which might have been even greater in the absence of anticompetitive practices.

15. *Comment:* Because U.S. Tanner crab fishermen have never operated north of 58° N. latitude or west of 173° W. longitude, foreign fishing should be allowed in that area so that the *C. opilio* found there will be utilized fully.

Response: The *C. opilio* Tanner crab found north of 58° N. latitude and west of 173° W. longitude appear to migrate freely south and east of those lines. Therefore, these crabs may be fully harvested by U.S. fishermen even if those fishermen do not extend their operations to new areas. In 1982, however, U.S. fishermen did harvest Tanner crab north of 58° N. latitude and west of 173° W. longitude.

16. *Comment:* Scientific evidence indicates that there is a surplus of Tanner crab *(C. opilio)* resource in waters north of 58° N. latitude and west of 164° W. longitude as well as in the waters south of 58° N. latitude and west of 173° W. longitude that would support a continued foreign allocation of no less than 16.5 million pounds, at least for the waters north of 58° N. latitude.

Response: National Marine Fisheries Service (NMFS) scientists estimated the 1981 ABC for *C. opilio* with a carapace width larger than 104 millimeters (considered by U.S. industry as minimum commercial size) north of 58° N. latitude to be 13 million pounds. This estimate was based on trawl surveys conducted by NMFS in 1980 that were designed to sample Tanner crab populations. Based on NMFS data, there does not appear to be a huge surplus of *C. opilio* north of 58° N. latitude. Japan estimated the ABC to be 26 million to 42 million pounds. The discrepancy between Japan's and NMFS' estimates resulted from differences in the "catchability factor," which is a measure that was applied by both countries to NMFS survey data to estimate the sampling success of gear utilized during the trawl surveys. Japan applied a "catchability factor" ranging from 0.3 to 0.5. NMFS applied a "catchability factor" of nearly 1.0, which NMFS believes is more accurate.

17. *Comment:* The amendment violates the Trade Agreements Act of 1979 and the Subsidies Code of the General Agreement on Tariffs and Trade (GATT) because the amendment constitutes a subsidy that results in the United States having more than an equitable share of world export trade in Tanner crab (account being taken of the U.S. and Japanese shares in such trade during a previous representative period, and any special factors which may have affected or may be affecting such trade).

Response: Elimination of the *C. opilio* TALFF in the Bering Sea does not constitute a "subsidy, including any form of income or price support," for GATT purposes. It offers no financial assistance of any kind to the U.S. Tanner crab industry, nor does it attempt to shield that industry from the normal operation of the free market. Indeed, it is intended to allow a fuller operation of the free market by discouraging anticompetitive practices by the Japanese Tanner crab industry. Even if this measure were a subsidy for GATT purposes, however, it would comply fully with the Subsidies Code because it offers the United States no more than an equitable share of world export trade. As was discussed above, the thesis of the amendment is that anticompetitive practices by the Japanese Tanner crab industry have been artificially depressing demand for U.S. Tanner crab products. To the extent that such practices may have increased the Japanese share of world export trade in Tanner crab during the past three years (the normal "representative period" to be taken into account under

the Subsidies Code), that share is inequitable. The elimination of the *C. opilio* TALFF does nothing more than redress this inequity, an effect which is completely permissible under GATT and the Subsidies Code.

18. *Comment:* By eliminating the Japanese fishery for *C. opilio*, the amendment contravenes the Japan-U.S. Governing International Fisheries Agreement (GIFA).

Response: Article IV of the current GIFA stipulates that the Government of the United States shall determine each year the portion of the total allowable catch for a specific fishery resource that, on an annual basis, will not be harvested by fishing vessels of the United States and may be made available to fishing vessels of Japan. Because the OY was expressed as equivalent to the DAH range, any U.S. harvest that fell within the range would by definition yield the OY, thereby leaving no portion available to fishing vessels of Japan.

The GIFA does not provide a mechanism for taking into account, when there is no TALFF, considerations such as traditional fishing by nationals and vessels of Japan; contributions to fishery research and the identification of Tanner crab stocks by Japan; previous cooperation by Japan in enforcement, conservation, and management of Tanner crab resources of mutual concern; and the need to minimize economic dislocation in cases where fishing vessels of Japan have habitually fished for Tanner crab off Alaska. These factors would be considered only if a TALFF were available. The amendment, therefore, does not contravene this GIFA.

19. *Comment:* By eliminating the Japanese fishery for *C. opilio*, the amendment disregards and ignores the premise of the agreement reached at the July 1980 Japan-U.S. trade talks.

Response: NMFS considers full utilization to mean the same as OY and the same rationale given in the response to comment 18 applies. Because there is no TALFF, the premise of the agreements reached at the July 1980 trade talks is neither disregarded nor ignored.

Classification

The Assistant Administrator has reviewed Amendment 7 and the implementing regulations in light of comments submitted during the public comment period. He has determined that Amendment 7 is necessary and appropriate for the conservation and management of Tanner crab resources off the coast of Alaska. Further, he has determined that it is consistent with the national standards in Section 301 of the Magnuson Act, with other provisions of the Magnuson Act, and with other applicable law. Therefore, under sections 304 and 305 of the Magnuson Act, he has approved Amendment 7 and final implementing rules.

The Administrator of NOAA has determined that the rule implementing Amendment 7 is not a major rule requiring a regulatory impact analysis under Executive Order 12291. By reducing foreign control of the markets available to U.S. Tanner crab fishermen and processors, and by enhancing the long-term productivity of the Tanner crab resource and thus its availability to U.S. fishermen and consumers, this rule can be expected to enhance investment in, and the productivity of, the U.S. fishing industry.

This action is taken in compliance with applicable requirements of the National Environmental Policy Act of 1969, the Regulatory Flexibility Act, and the Paperwork Reduction Act of 1980. *See* 46 FR at 44205.

List of Subjects

50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 671

Fish, Fisheries, Reporting and recordkeeping requirements.

Dated: April 4, 1983.

Carmen J. Blondin,

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

For the reasons discussed in the preamble, 50 CFR Parts 611 and 671 are amended as follows:

PART 611—FOREIGN FISHING

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

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

§ 611.91 [Removed]

2. § 611.91 is removed.

PART 671—TANNER CRAB OFF ALASKA

3. The authority citation for Part 671 reads as follows:

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

4. In §671.21(a), Table I is revised to read as follows:

§ 671.21 Optimum yield.

(a) * * *

TABLE I

Registration area	Optimum yield [1]		Species
	Metric tons	Millions of pounds	
A (Southeast-Yakutat)	2,495	5.5	All.
E (Prince William Sound)	3,175	7.0	All.
H (Cook Inlet)	2,404	5.3	All.
J (Kodiak District)	15,876	35.0	All.
J (South Peninsula District)	2,722	6.0	All.
J (Chignik District)	2,268	5.0	All.
J (Aleutian District)	907	2.0	All.
J (Bering Sea District)	12,701–18,329	28.0–36.0	*C. bairdi*
	17,917–41,277	39.5–91.0	*C. opilio*

[1] Catches of Tanner crab in a State of Alaska registration area or district will be considered part of the optimum yield specified for the contiguous Federal registration area or district of the same name.

* * * * * * *

[FR Doc. 83-9304 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 69
Friday, April 8, 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

Foreign Agricultural Service

7 CFR Part 6

Licenses for Importation of Sugar To Be Re-Exported in Refined Form

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish procedures and conditions for the issuance of licenses which will permit the importation of sugar exempt from the quotas on sugars, sirups and molasses as modified by Presidential Proclamation 4941 of May 5, 1982, as amended. A quantity of sugar equal to the sugar imported under such a license must be re-exported in refined form.

DATES: Comments must be received on or before May 9, 1983.

ADDRESS: Mail comments to Chief, Sugar Group, Horticultural and Tropical Products Division, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: James A. Truran, Chief, Sugar Group, Foreign Agricultural Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C. 20250, Tel: 447–2916.

SUPPLEMENTARY INFORMATION: Presidential Proclamation 4941 of May 5, 1982 modified the import quota for sugar, sirups and molasses described in items 155.20 and 155.30 of the Tariff Schedules of the United States (TSUS) in order in carry out a provision in the Geneva (1967) Protocol of the General Agreement on Tariffs and Trade (Note 1 of Unit A, Chapter 10, Part I of Schedule XX; 19 U.S.T., Part II, 1282) and the International Sugar Agreement, 1977 (T.I.A.S. 9664, 31 U.S.T. 5135). Presidential Proclamation 5002 of November 30, 1982, amended Proclamation 4941 to read in part as follows:

> The Secretary may exempt the entry of articles described in items 155.20 and 155.30 from the requirements or limitations established pursuant to this headnote on the condition that such articles: (1) Be used only for the production (other than by distillation) of polyhydric alcohols, except polyhydric alcohols for use as a substitute for sugar in human food consumption; or (2) be re-exported in refined form or in sugar containing products. Such articles shall be entered under licenses issued pursuant to regulations promulgated by the Secretary * * *

Under the proposed rule, licenses will be issued for the entry, exempt from quota, of sugar to be exported in refined form. The certificate of eligibility requirements contained in 15 CFR Part 2011 would not apply to this sugar. Separate rules would have to be promulgated to provide for the entry, exempt from quota, of sugar to be exported in sugar containing products and for sugar to be used in the production of certain polyhydric alcohols.

Under the proposed rule, a license may be issued only to a refiner of sugar and is not assignable unless specifically authorized. However, the refiner may employ an agent to import or export sugar on behalf of the refiner.

The applicant for a license will be asked to provide certain information to the Licensing Authority. Upon receipt of the required information, a license to import sugar, exempt from quota, will be established in favor of the applicant in the amount requested, not to exceed 25,000 short tons.

A quantity of refined sugar, equivalent to the quantity of sugar imported under license, must be exported within three months of the date of entry. After export, license holders must present to the Licensing Authority an exporter's statement certifying that export has occurred, together with an on-board ocean carrier bill of lading, intermodal bill of lading with on-board date, or an authenticated landing certificate or similar document if exported by land.

As sugar is entered it will be charged to the license amount. As proof of export of refined sugar is received the Licensing Authority will, if requested, credit the quantity exported to the license. The quantity of sugar entered or exported will be adjusted on the basis of sugar content. Subsequent entries and exports would be handled in the same manner, but at no time may charges or credits to the license exceed the license amount.

In order to guarantee that the sugar imported under a license is used only for the purposes intended, a bond must be posted to cover all entries under a license. Such a bond shall provide for the monetary obligation under the bond to automatically increase with the entry of sugar under the license and to decrease as quantities of refined sugar are exported.

The public is invited to submit written comments and suggestions regarding the proposed rule to the above address. Each person submitting comments and suggestions regarding the proposed rule should include his/her name and address and should give reasons for suggested changes. Copies of all written communications will be available for examination by interested persons in Room 6091 South Building, USDA during regular business hours.

This proposed rule has been reviewed under USDA procedures required by Executive Order 12291 and Secretary's Memorandum 151–1 and has been classified as "not major" since the proposed rule, if made final, would not have any of the effects specified in those documents.

The Administrator, Foreign Agricultural Service (FAS), certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Consequently, no regulatory flexibility analysis is required under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The public is invited to comment on the impact of this proposed rule on small entities, and the Administrator, FAS, will review this determination in light of those comments.

The proposed rule should yield benefits to the public by increasing employment in the field of refining and related industries and by improving the balance of trade. Costs should be minimal since the licensing system has been designed to conform as closely as possible to current commercial practices.

An assessment of the impact of this rule on the environment was made and, based on this evaluation, this action is not a major federal action and will have no foreseeable significant effects on the quality of the human environment. Consequently, no environmental impact statement is necessary for this proposed

rule. The environmental assessment is available for review in room 6091, South Building, USDA during normal business hours.

The paperwork requirements imposed by this rule will not become effective until they have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

List of Subjects in 7 CFR Part 6

Foreign trade, Import, Licenses, Quotas, Sugar.

PART 6—[AMENDED]

In accordance with the above, it is proposed to amend 7 CFR Part 6 by adding the following subpart:

Subpart—Importation of Sugar Free From Quota

Sugar To Be Re-Exported in Refined Form

Sec.

6.100 Definitions.
6.101 Issuance of a license.
6.102 Transferability of a license.
6.103 Application for a license.
6.104 Entry of sugar.
6.105 Entry of sugar by an agent.
6.106 Proof of export.
6.107 Bond requirements.
6.108 Charges and credits to licenses.
6.109 Export before import; substitution of sugars.
6.110 Enforcement.
6.111 Waiver.
6.112 Expiration.

Authority: Presidential Proclamation No. 5002, 47 FR 54269.

Subpart—Importation of Sugar Free From Quota

Sugar To Be Re-Exported in Refined Form

§ 6.100 Definitions.

(a) "Appropriate customs officials" means the district or area Director of the U.S. Customs Service, his or her designees, or any other customs officer of similar authority and responsibility for the customs district in which the port of entry is located.

(b) "Date of entry" is the date when the specified U.S. Customs Service entry form is properly executed and deposited, together with any estimated duties and special import fees and any related documents required by law or regulations to be filed with such form at the time of entry with the appropriate customs official.

(c) "Date of export" means the on-board date of an ocean carrier bill of lading or an airway bill or on-board date of an intermodal bill of lading; if exported by rail or truck, the date of entry shown on an authenticated landing certificate or similar document issued by an official of the government of the importing country; or the date of export established by such other proof of export as is acceptable to the Licensing Authority.

(d) "Date of license" means the day when the license is issued by the Licensing Authority.

(e) "Department" means the U.S. Department of Agriculture.

(f) "License" means a license issued by the Secretary through the Licensing Authority permitting the entry of sugar, not chargeable to the import quota for sugar as modified by Presidential Proclamation 4941, as amended, for items covered by 155.20 or 155.30 of the Tariff Schedules of the United States, for the purpose of refining and exporting in the form of refined sugar.

(g) "Licensing Authority" means the Chief, Sugar Group, Foreign Agriculture Service, U.S. Department of Agriculture.

(h) "Person" means any individual, partnership, corporation, association, estate, trust or any other business entity, and, whenever applicable, any unit, instrumentality or agency of a government, domestic or foreign.

(i) "Quota" means any quota on imports of sugar, sirups or molasses as covered by item 155.20 or 155.30 of the Tariff Schedules of the United States under Presidential Proclamation 4941 of May 5, 1982, 47 FR 19661, and any modifications thereto.

(j) "Raw value" means, for a given quantity of sugar, the equivalent of that quantity in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations issued by the Secretary of the Treasury.

(k) "Refiner" means any person who engages in the processing (refining) of sugar to further improve the quality of such sugar.

(l) "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has delegated the authority or to whom the authority hereafter may be delegated to act in the Secretary's place.

(m) "Sugar" means sugars, sirups and molasses derived from sugarcane or sugar beets as defined in items 155.20 and 155.30 of the Tariff Schedules of the United States.

§ 6.101 Issuance of a license.

(a) The Secretary, through the Licensing Authority, will issue licenses to refiners under which sugar may be entered into the United States exempt from the import quotas on items 155.20 and 155.30 of the Tariff Schedules of the United States.

(b) A quantity of refined sugar equivalent to the quantity of sugar, raw value, imported under the license, adjusted in accordance with section 6.108(c) of this subpart, must be re-exported within 3 months of the date of entry of such sugar. The licenses may contain such other conditions, limitations or restrictions as the Secretary, in his or her discretion, deems necessary.

(c) The license amount may not exceed 25,000 short tons of sugar. Quantities of sugar imported under the license shall be charged to the license and quantities of refined sugar exported may be credited to the license as provided in section 6.108. At no time may the outstanding balance of charges or credits exceed the license amount.

(d) No more than one license may be issued and be outstanding at any one time to any one refiner. A license may be surrendered in whole or in part to the Licensing Authority.

§ 6.102 Transferability of a license.

A license holder may, with the written permission of the Licensing Authority, transfer a license to another refiner provided that the other refiner does not have a license. The Licensing Authority may impose such terms and conditions in connection with a license transfer as he or she deems appropriate to carry out the purposes of this subpart.

§ 6.103 Application for a license.

Applicants for licenses must apply in writing to the Licensing Authority. Such a letter of application shall contain as a minimum the following information:

(a) Name and address of the applicant.

(b) License amount requested, not to exceed 25,000 short tons of sugar.

(c) The TSUS number and description of the sugar to be imported.

(d) The name of the firm that will establish a performance bond in favor of the United States Government on behalf of the applicant, if such firm is not the applicant.

(e) Name of anticipated refinery, if known at time of application.

(f) Anticipated dates of entry of sugar and export of refined sugar if known at time of application.

The Licensing Authority may waive any provisions of this section for good cause if it is determined that such a waiver will not adversely affect the implementation of this subpart.

§ 6.104 Entry of sugar.

(a) Entry of the sugar exempt from the quotas on items 155.20 anf 155.30 of the Tariff Schedules of the United States shall be allowed only in conformity with the conditions of the import license, the provisions of this subpart and any other

procedures specified by the Licensing Authority.

(b) The license holder shall submit to the Licensing Authority a statement, certified as true and accurate, of the polarization and weight of the imported sugar to be charged to the license. This statement must adequately identify the imported sugar and state the basis for the determination of the polarization of the sugar. The basis must be either the settlement polarization or some other means approved by the Licensing Authority.

§ 6.105 Entry of sugar by an agent.

In those cases where entry of sugar is made by an agent of the license holder, the agent shall produce for inspection by the appropriate customs official a written authorization designating such person to act as an agent for the purpose of entering sugar.

§ 6.106 Proof of export.

(a) The proof of export shall consist of:

(1) *Certification.* A written certification by the license holder that the license holder has exported a quantity of sugar in refined form. The certification shall include:

(i) The license holder's name and address;

(ii) An identification of the license to which the sugar exported is to be credited;

(iii) The weight and polarization of the sugar exported;

(iv) The date of export, point of export, and an identification of the vessel, railroad or other means of export;

(v) The intended destination; and

(vi) For sugar entered before the export of the corresponding refined sugar, an identification of the imported sugar to which the exported sugar corresponds including the quantity and polarization of the imported sugar.

(b) *Documentation.* A copy of the on-board bill of lading or intermodal bill of lading with an on-board date or, if exported by land, an authenticated landing certificate or similar document issued by an official of the importing country.

(c) The certification must accompany the documentation when submitted to the Licensing Authority. The proof of export must be submitted to the Licensing Authority within 10 working days from the date of export. The Licensing Authority may waive the provisions of this section if exportation is otherwise established to the Licensing Authority's satisfaction. The Licensing Authority may for good cause extend the period for submitting proof of export upon written application of the license holder.

§ 6.107 Bond requirements.

(a) Sugar entered under license shall be subject to all applicable customs bond requirements (see 19 CFR Parts 113, 141, 142, 143 and 144), except that no bond is required under this subpart for the quantity of any sugar entered that corresponds to a quantity of sugar that has been exported prior to the date of entry of such sugar and credited to the license in accordance with § 6.108. To obtain this exception, the license holder must obtain from the Licensing Authority, and present to the appropriate customs official, a specific written waiver of the bond requirements.

(b) The amount of the bond shall be equal to the difference between the daily "spot" price per pound of raw sugar as reported in the Number 12 contract of the New York Coffee, Sugar and Cocoa Exchange or the Market Stabilization Price (MSP) established pursuant to Presidential Proclamation 4940 of May 5, 1982, as amended, whichever is greater, and the daily "spot" price of the Number 11 contract of the New York Coffee, Sugar And Cocoa Exchange, multiplied by the weight of the sugar entered under the license. The Number 12 and Number 11 contract prices and the MSP shall be computed as of the last market day before the execution of the bond. If the New York Coffee, Sugar and Cocoa Exchange does not report a Number 11 or 12 contract price for the last market day before the execution of the bond, then the Licensing Authority may use such price as he or she deems appropriate.

(c) The appropriate customs official will release the obligation under the bond by an amount computed in accordance with paragraph (b) of this section for a corresponding quantity of sugar credited to the license in accordance with § 6.108(b) of this subpart, as determined by the Licensing Authority.

(d) If the license holder fails to obtain a credit to the license within three months of the date of entry of corresponding sugar in an amount sufficient to offset the charge to the license for that corresponding sugar, payment shall be made to the United States under the bond of the monetary amount corresponding to the amount of the charge not offset.

§ 6.108 Charges and credits to licenses.

(a) Charges will be made to a license for quantities of sugar entered under the license. This charge will be adjusted on the basis set forth in subsection (c) when the license holder submits the information required by § 6.104.

(b) At the request of the license holder, the Licensing Authority will credit a license for:

(1) Quantities of refined sugar, adjusted as set forth in subsection (c), for which proof of export has been submitted in accordance with the provisions of this subpart.

(2) Quantities of sugar charged to the license which the Licensing Authority determines have been destroyed or otherwise disposed of so as to render the exportation of a corresponding quantity of sugar in refined form unnecessary to carry out the purposes of this subpart.

(c) To determine the quantity of sugar that must be exported to equal a corresponding quantity of imported sugar charged to the license, divide the quantity of sugar imported, expressed in raw value, by 1.07. To obtain the raw value for sugar with a polarization of 92 degrees or above, the formula to be used is $[(\text{Polarization} \times .0175) - 0.68] \times \text{weight}$. For sugar of less than 92 degrees polarization the total sugar content shall be divided by 0.972.

§ 6.109 Export before import; substitution of sugars.

(a) The sugar exported does not have to be the same sugar entered.

(b) Exportation of sugar in refined form may occur any time after the date of the license, including prior to the date of entry of the corresponding quantity of sugar charged to the license.

§ 6.110 Enforcement.

(a) If at any time after receiving the proof of export described in § 6.106 of this subpart and release of the bond under § 6.107 of this subpart the Licensing Authority determines that an export of refined sugar corresponding to the amount of sugar entered under the license did not occur, the Licensing Authority may hold the license holder liable for up to the difference between the Number 11 and Number 12 daily "spot" price per pound of raw sugar described in section 6.107(b) of this subpart (or such other price determined appropriate by the Licensing Authority in the event no Number 11 or 12 price is reported) in effect on the last market day before the entry of the corresponding sugar or the last market day before the alleged date of export, whichever ir greater, times the amount of sugar, raw value, that should have been, but was not, exported.

(b) If at any time the Licensing Authority determines that a license holder has failed to comply with the

requirements of this subpart, the Licensing Authority may, after notice to the license holder, suspend or revoke the license issued to the license holder pursuant to this subpart and/or refuse to issue future licenses to that refiner.

(c) The determination of the Licensing Authority under subsections (a) and (b) may be appealed to the Director, Horticultural and Tropical Products Division, Foreign Agricultural Service (FAS), within 30 days from the date of notification. The request for reconsideration shall be presented in writing specifically stating any reason as to why such determination should not stand. The Director, Horticultural and Tropical Products Division, FAS will provide such person with an opportunity for an informal hearing on such matter. A further appeal may be made to the Administrator, FAS, within five working days of the notification of the decision of the Director, Horticultural and Tropical Products, FAS.

§ 6.111 Waiver.

Under usual, unforeseen or extraordinary circumstances, the Secretary may extend the 3 month period for the re-export of sugar or may temporarily increase the maximum amount of the license.

§ 6.112 Expiration.

The licenses issued pursuant to the provisions of this subpart shall expire upon written notice to the license holders by the Licensing Authority. The notice will state the expiration date of the licenses and any other details applicable to the expiration of the licenses.

Signed at Washington, D.C. on April 6, 1983.

Richard A. Smith,

Administrator, Foreign Agricultural Service.

[FR Doc. 83-9386 Filed 4-6-83; 3:12 pm]

BILLING CODE 3410-10-M

Food and Nutrition Service

7 CFR Parts 272 and 273

[Amendment No. 246]

Food Stamp Program: Amendments to Food Stamp Program Mass Change Rules; Coordinating Cost of Living Adjustments

AGENCY: Food and Nutrition Service, USDA

ACTION: Proposed rule.

SUMMARY: This proposed rule would require that cost-of-living increases in benefits made between July 1 and September 30 under certain Federal programs not be counted as income of households participating in the Food Stamp Program until the following October. The Federal programs with cost-of-living adjustments which would be affected by this change include Retirement, Survivors, and Disability Insurance, (RSDI) Supplemental Security Income (SSI), benefits under Section 3(a)(1) of the Railroad Retirement Act of 1974, and certain Veterans' benefits. This change is mandated by Section 147 of the Omnibus Budget Reconciliation Act of 1982. The change would require State agencies to make the cost-of-living updates on the same date, October 1, that they adjust the Food Stamp Program's Thrifty Food Plan and deductions. This proposal would also alter the timeframes in which State agencies must implement other mass changes.

DATES: To be assured of consideration in the development of the final rule, comments on this rule must be received by May 9, 1983.

ADDRESS: Comments should be addressed to Judith M. Seymour, Acting Supervisor, Eligibility and Certification Section, Family Nutrition Programs, Food and Nutrition Service, USDA, Room 708, 3101 Park Center Drive, Alexandria, Virginia 22302. All written comments will be open to public inspection at the above address during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Questions regarding this rule should be addressed to Ms. Seymour at the above address or by telephone at (703) 756-3429.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under Executive Order No. 12291 and Secretary's Memorandum No. 1512-1. This action would not result in an annual effect on the economy of $100 million or more or a major increase in costs or prices for consumers, individuals, Federal, State or local governments, or geographical regions. Additionally, this action would not have a significant effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, this action has been classified "not major."

This rule is being published as a proposed rule with a comment period of 30 days, rather than 60 days, in order to allow implementation by July 1, 1983. Section 193 of Pub. L. 97-253 provides that most of the provisions thereof, including section 147 dealing with the coordination of cost of living adjustments, were to be effective upon enactment, September 8, 1981. While this rulemaking will have no actual impact on program participants until the next series of cost-of-living adjustments in July of 1983, we believe it is necessary to make if effective as soon as possible to meet the requirements of section 193 and to provide guidance to State agencies as soon as possible regarding the new provisions. For these reasons, public comment is solicited on this proposed rule for 30 days. All comments received will be analyzed and any appropriate changes in the rule will be incorporated in a subsequent publication.

Regulatory Flexibility Analysis

This action also has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 97-354, Stat. 1164, September 19, 1980). Robert Leard, Administrator of the Food and Nutrition Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. The rule would affect participants who receive benefits under Retirements, Survivors, and Disability Insurance, Supplemental Security Income, Section 3(a)(1) of the Railroad Retirement Act of 1974, and certain Veteran's programs.

Paperwork Reduction Act

This regulation does not contain reporting and recordkeeping requirements subject to approval by the Office of Management and Budget (OMB).

Introduction

This proposed rule would implement changes mandated under Section 147 of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97-253, enacted on September 8, 1982). Section 147 mandates that cost-of-living increases in benefits made between July 1 and September 30 under certain Federal programs not be counted as income for food stamp purposes until the following October. Section 147 stipulates that households not participating in the Food Stamp Program in the month immediately preceding the cost-of-living increase would not be affected by this change: that is, the increase would be included as income as of the first month such households are certified for food stamps.

The Federal programs with cost-of-living adjustments affected by this change are the following:

1. Retirement, Survivors, and Disability Insurance (RSDI) under title II of the Social Security Act;

2. Supplemental Security Income (SSI) under title XVI of the Social Security Act;

3. Benefits under Section 3(a)(1) of the Railroad Retirement Act of 1974; and

4. Veterans' benefits under the Improved Pension Program and the Parents, Dependency, and Indemnity Compensation Program.

These programs currently all make cost-of-living adjustments in their benefits effective July 1 each year. The cost-of-living adjustment factor established and used for RSDI is also used for adjusting the benefits of the other programs affected by this change.

New Provisions

Excluded income.—This proposed rule would add an income exclusion to 7 CFR Part 273.9(b)(4) to reflect the statutory change. State agencies should take note that the new income exclusion would not apply to households which were not certified for food stamps in the month immediately preceding the cost-of-living increase. For these households, the full cash benefits under RSDI, SSI, the Railroad Retirement Act of 1974, or the Veterans' programs would be included as gross income beginning with the first month of certification.

The Department points out that the cost-of-living adjustments under the Railroad Retirement Act of 1974 affected by this change would be limited to those under Section 3(a)(1) of that Act. These benefits are known as "Tier 1" payments for the employee, and include only employee annuities. Cost-of-living adjustments in benefits under other sections of the Railroad Retirement Act of 1974, such as "Tier 2" benefits or benefits for spouses or dependents, would not be excluded as income by this provision and would not have to be processed as mass changes. State agencies should contact Railroad Retirement offices for information regarding affected benefits.

Postponed mass changes.—Current regulations, at 7 CFR 273.12(e)(3), require State agencies to treat cost-of-living increases in RSDI and SSI as mass changes. The State agency is responsible for adjusting the food stamp benefits of the affected households to reflect these cost-of-living increases.

The current regulations require State agencies to count RSDI and SSI cost-of-living increases as income in the month in which the increase is provided, if the State agencies have the necessary staff or computer capability. Otherwise, State agencies have the option to effect the cost-of-living increases either by scheduling recertification or conducting desk reviews of all the affected households during the months of July through October.

With the statutory change regarding when these cost-of-living increases are to be included as income, the mass change provisions regarding RSDI and SSI are no longer appropriate to the July increases. The statute now mandates that the cost-of-living increases in these programs shall not be included in income until October 1. As of October 1, they must be included in income. The statute requires the same treatment for cost-of-living increases of benefits under Section 3(a)(1) of the Railroad Retirement Act of 1974 and Section 3112 of Title 38 of the United States Code (the Veterans' programs identified above). The current regulatory provisions for the automatic mass change effective in July are obviously no longer appropriate. The option to effect the cost-of-living increases over the period July through October is also inappropriate, as State agencies now, as a matter of course, have the period July through September to conduct recertifications or desk reviews, but are prohibited from including the increases as income before October.

The proposed rule would revise the mass change provisions to reflect the new statutory requirements. Instead of imposing elaborate procedures which the State agency must follow in making these mass changes, this rule simply would require that the State agency include the cost-of-living increases in the affected households' income as of October 1. Eligibility and benefit level determinations made on or after October 1 would reflect the cost-of-living increases. Between July 1 and September 30, the cost-of-living increases would not be reflected in eligibility or benefit determinations for households which were certified for food stamps in the month preceding the cost-of-living increase. Since the cost-of-living increases are currently granted in July in each of the affected programs, this means that the increase would be excluded from income until October 1 only for households certified for food stamps in June.

The proposed rule would provide the State agency with the flexibility to establish its own procedures for effecting the mass changes as of October 1. The State agency would be allowed to use SDX or BENDEX information to make an automatic adjustment, or to conduct desk reviews or recertification for the affected cases over the period July through September. These procedures would be essentially like those specified under the current regulations, although the period allowed for recertifications or desk reviews would be shortened by one month.

The State agency may prefer to establish another procedure for making these mass changes. One alternative procedure which has proven effective for many State agencies, using a waiver granted by the Department, has been to make the mass change using a flat percentage adjustment in the appropriate income. (Under this proposed rule, a waiver would not be required to use this procedure.) Under this procedure, the State agencies simply adjust the income, for food stamp purposes, by the same percentage used in making the cost-of-living increase for RSDI. Since the cost-of-living increases affected by the statutory change are all based on the RSDI adjustment factor, this procedure should not be too cumbersome.

The State agency would not be required to have its mass change procedure approved by the Department. Nor would the State agency be required to get a waiver for any procedure which will satisfy the requirement to effect the mass changes on October 1. Of course, the State agency would be responsible for making accurate eligibility and benefit determinations based on the new provisions. In addition, the State agency would be required to provide the household with notice of the mass changes as under current regulations.

Other Mass Changes

The proposed rule would also change the procedures for acting on mass changes that are not affected by the postponement noted above. Current rules require State agencies to act on mass changes within one of two timeframes. The requirement applied to a particular State agency depends on the capability of the State agency to act on changes. State agencies meeting the Department's definition of "capable" are required to reflect changes in benefits issued the month the mass change takes effect. State agencies not meeting the definition of "capable" must reflect mass changes within 120 days of the effective date of the change.

The proposed rule would eliminate the dual standard and apply one timeliness standard to all State agencies. The proposal would require that all households have mass changes reflected in their benefits no later than in the third allotment issued to them following the effective date of the mass change. Thus, a mass change effective on January, would have to be reflected in benefits no later than the March allotments. This change would result in changes in

benefits being put into effect sooner in many States.

The Department believes the proposed change is warranted because of the implementation of monthly reporting and retrospective budgeting (MRRB). When MRRB is implemented, households reporting monthly would report a change due to a mass change on the monthly in report submitted for the month the mass change goes into effect. The benefits of these monthly reporting households would be changed when the allotment is issued for the month in which mass change was effective. Thus, in a two-month system a mass change effective January 1 would be reported in February and be reflected in March's issuance. In effect, because of monthly reporting, no special mass change policies are in effect.

For households subject to retrospective budgeting but not monthly reporting, the proposal would give State agencies more than a month in which to calculate the effect of a mass change on each household's benefits. This time takes into account the fact that there is usually advance warning of a mass change, sometimes up to a month, and that benefits cannot be issued reflecting the mass change until at least the month following the month the mass change takes effect. In a two-month system there is even more time.

The proposed change will affect individual State agencies differently. Those State agencies currently deemed capable to act on mass changes quickly will have more time in which to take action. However, State agencies that currently have 120 days in which to act will have to act more quickly. The Department does not believe that the shortened timeframe will impose a serious administrative burden on these State agencies. First, those affected households that report monthly will have the mass change reflected in their benefits through normal processing procedures. Of the remaining households, the State agencies will have whatever time prior to the effective date of the change they become aware of the change plus the month the change becomes effective to process changes. State agencies with two-month retrospective systems will also have time in the month following the month mass change becomes effective in which to process the changes. While the proposed timeframe is shorter than the one currently allowed, the use of procedures such as acting on changes using percentage differences along with lessening the number of cases subject to the mass change procedures by eliminating those that report monthly lessens the workload on State agencies. The Department is very interested in receiving comments on this proposed change, particularly those that address the effects of the reduced timeframe.

Households subject to monthly reporting and retrospective budgeting.— The current regulations state that housholds shall not be required to report the cost-of-living increases. This proposed rule would clarify that households which are required to submit monthly reports must include any increase in income attributable to cost-of-living increases in their reports. Other households would not be required to report such increase.

For households subject to monthly reporting requirements under § 273.12, the cost-of-living increase would be included on the monthly report due to the State agency in August. The State agency would have to establish procedures for excluding or subtracting the cost-of-living increase from the reported income, as appropriate, up until the October issuance. The State agency could adjust the October issuance based on the information submitted to the household, or it could process the adjustment as a mass change. This budget month would be August in a two month system, and it would be September in a one month system. In any case, the cost-of-living increase would be included in gross household income for the eligibility and benefit determination for October.

The Department recognizes that the new statutory provision adds a complication to the monthly reporting and retrospective budgeting (MRRB) system. However, the Department points out that many households receiving benefits under RSDI, SSI, Section 3(a)(1) of the Railroad Retirement Act of 1974, or the specified Veterans' programs will be excluded from the monthly reporting requirements. For these households, the State agency should follow its mass change procedures for households not subject to MRRB requirements.

Miscellaneous

The current regulations include two provisions dealing with mass changes which would be deleted by this proposed rule. The first provides for mass changes to reflect the July 1980 cost-of-living increases in RSDI and SSI benefits. The second provides for the mass changes which resulted from implementation of the Food Stamp Act of 1977. Since these mass changes have already been made, the provisions are no longer necessary.

Implementation

State agencies would be required to implement the requirements of this rule by July 1, 1983. To do this, State agencies would have to begin developing the necessary procedures as soon as possible.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs-social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs-social program, Penalties, Reporting and recordkeeping requirements, Social security, Students.

Accordingly, the Department proposes to amend 7 CFR Part 272 and 273 as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, a new paragraph(g)(61) is added to read as follows.

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(61) Amendment 246. State agencies shall implement the provisions of this amendment no later than July 1, 1983.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In Part 273.9, a new paragraph (b)(5)(iii) is added as follows.

§ 273.9 Income and deductions.

* * * * *

(b) *Definition of income.* * * *

(5) * * *

(iii) The cost-of-living increases made between July 1 and September 30 in benefits under certain Federal Programs, until the October 1 following such cost-of-living increase. This exclusion from income shall only apply to members of households which were certified for food stamps in the month preceding the month in which the cost-of-living increase was made. The Programs to which this exclusion shall apply include only the following:

(a) Retirement, Survivors, and Disability Insurance under title II of the Social Security Act;

(B) Supplemental Security Income under title XVI of the Social Security Act;

(C) Railroad Retirement benefits under Section 3(a)(1) of the Railroad Retirement Act of 1974; and

(D) Veterans benefits under 38 U.S.C. 3112.

* * * * *

3. In § 273.12:

A. In paragraph (e)(2)(iii), the last sentence is amended by removing the words "paragraph (3)" and adding in lieu thereof the words "paragraph (e)(3)(iii)".

B. Paragraph (e)(3) is revised.

C. Paragraph (e)(4) is removed.

§ 273.12 Reporting changes.

* * * * *

(e) *Mass changes.* * * *

(3) The State agency shall establish procedures for making mass changes to reflect cost-of-living increases in benefits and any other mass changes under RSDI, SSI, Section 3(a)(1) of the Railroad Retirement Act of 1974, and Section 3112 of title 38 of the United States Code. Households excluded from monthly reporting requirements under § 273.21 shall not be required to report these changes. These procedures shall be consistent with the following requirements:

(i) For cost-of-living increases in benefits made between July 1 and September 30, the increases shall be considered in the household's eligibility and benefit determination beginning with the following October, but not before, provided the household was certified for food stamps in the month preceding the cost-of-living increase.

(ii) For a household which was not certified for food stamps in the month preceding the cost-of-living increase, such increase shall be considered in the eligibility and benefit determination beginning with the first month for which the household is certified, unless the household's income is determined on a retrospective basis, as provided under § 273.21(a).

(iii) For any other mass changes not described under paragraph (e)(3)(i) of this section, the State agency shall reflect the change no later than the third allotment issued to non-monthly reporting households following the effective date of the change. Households submitting monthly reports shall report the change on the appropriate monthly report and the State agency shall process the change in accordance with the provisions in § 273.21.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2029)

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

Dated: March 31, 1983.

John H. Stokes III,

Acting Administrator.

[FR Doc. 83-9013 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-30-M

Rural Electrification Administration

7 CFR Part 1701

Proposed Addition to REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend Appendix A—REA Bulletins by issuing a "File With" to REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers, to include accounting requirements with respect to recording costs incurred in conducting corrosion surveys and installing sacrificial anodes. Recent construction practices for installing underground power cable have resulted in decreased corrosion protection. As a result, electric utilities have begun conducting surveys to determine if corrosion damage is present and, if necessary, installing sacrificial anodes to prevent further damage. Uniform accounting requirements are needed to account for costs incurred in conducting corrosion surveys and installing sacrificial anodes.

DATE: Public comments must be received by REA no later than June 7, 1983.

ADDRESS: Submit written comments to Roland S. Heard, Chief, Technical Accounting and Auditing Staff, Accounting and Auditing Division, Rural Electrification Administration, Room 2231, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Roland S. Heard, Chief, Technical Accounting and Auditing Staff, above address, telephone number (202) 382–8227. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A—REA Bulletins by issuing a "File With" to REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers. This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. The action will not: (1) Have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment or productivity and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act and is not subject to OMB Circular A–95 review. This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Copies of the draft "File With" are being sent directly to all REA electric borrowers. Copies are also available upon request from the address indicated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours at the above address.

Background

REA Bulletin 181.3, Accounting Interpretations for Rural Electric Borrowers, provides accounting guidance to REA borrowers. Detailed background information and specific accounting requirements related to sacrificial anodes are provided in the text of the proposed "File With" below.

Proposed Addition to REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers

[No. 115 (REA Bulletin 181–3)]

Rural Electrification Administation Accounting Interpretations (Electric): Accounting for Sacrificial Anodes

1. *General*

When the use of underground power facilities was in its infancy, cable manufacturers and electric utility operators were of the opinion that copper did not corrode in most soils. However, experience has shown that copper's earlier high reliability was merely the result of the construction practices used. Copper was usually buried and electrically interconnected with iron, steel, lead and other types of metal pipes. These metals provided copper with a degree of corrosion protection. This corrosion protection is a result of an electrical/chemical phenomenon.

Because of economic and technological improvements in nonmetallic materials, underground power cable began to be installed in locations where there were no protective metals to cause an electrochemical interaction. Copper began to be on its own in soils in the form of copper concentric neutral wires. Reports of corrosion first began in the early '70s. Some reports advised of color changes and some slight pitting of the neutral

wires, while other reports mentioned complete loss of all metal.

Electric utilities began conducting corrosion surveys on existing plant. The purpose of these surveys was to:

1. Determine locations where corrosion existed or was probable.
2. Determine extent of any corrosion damage.
3. Recommend remedial measures to be taken where damage was extensive.
4. Recommend locations and amounts of corrosion protection required.

Some utilities have encountered situations where neutral wires were either totally missing, could not be considered reliable, or were impaired to the extent that corrosion protection was not feasible. In such cases it has been necessary to restore electrical conductivity to assure safety and proper operation of fault protection apparatus. One temporary measure to accomplish this has been to install a separate bare conductor, of sufficient conductivity, as close to the existing cable as possible. Others have chosen to install new cable to provide for a more permanent solution along with installation of corrosion protection.

Corrosion protection designs of neutral wires (deemed feasible for protection) take advantage of the corrosion process itself. When two different metals are buried in the same soil and connected electrically to one another, a galvanic corrosion cell is formed. Current flows from the more active metal, called the *anode* of the cell, to the less active metal, called the *cathode* of the cell. The metal that current flows from corrodes while the metal collecting current is protected from corrosion. Active metals are deliberately buried and inter-connected with less active copper neutral wires. The anode metal is sacrificed to protect the neutral wires—hence, the more active metals are called sacrificial anodes.

Zinc or magnesium sacrificial anodes are often used for cathodic protection of neutral wires. High purity metal is required. The raw metal is placed within a specially prepared powdery type material, all usually enclosed in a cheesecloth bag or cardboard packaged container. Good corrosion protection deign involves choosing loctions where anodes will operate at peak efficiency. Soil resistivity measurements observed during the corrosion survey provide the necessary information for proper anode sites.

II. Questions and Answers:

1. *Question:* What is the accounting for engineering costs when corrosion surveys are done on an existing underground line?

Answer:

a. If it is found that sacrificial anodes are needed, the cost of surveys and engineering shall be capitalized to Account 367, Underground Conductors and Devices, as part of the cable unit.

b. If it is found that no sacrificial anodes are needed, the cost shall be charged to Account 594, Maintenance of Underground Lines.

2. *Question:* What is the accounting for replacement of a neutral that is laid along side the original underground cable?

Answer: The replacement of the neutral shall be charged to Account 594, Maintenance of Underground Lines, because the original neutral was part of the underground cable record unit. The new neutral that is installed takes the place of the original neutral.

3. *Question:* What is the accounting for the sacrificial anode?

Answer: The cost of purchasing and installing the sacrificial anode shall be capitalized in Account 367, Underground Conductors and Devices, as part of the cable unit.

4. *Question:* What is the accounting for corrosion surveys done prior to installation of cable?

Answer: The cost of surveys shall be capitalized in the same manner as other engineering costs incurred.

In view of the need and desirability for uniform accounting requirements for REA borrowers conducting corrosion surveys or installing sacrificial anodes, the Administrator is proposing to issue the above accounting interpretation as an addition to REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers.

List of Subjects in 7 CFR Part 1701

Electric utilities; Loan programs—energy.

Dated: March 22, 1983.

Jack Van Mark,

Acting Administrator.

[FR Doc. 83-9309 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 79N-0141]

Corn Sugar, Corn Syrup, and Invert Sugar (Syrup); Proposed Affirmation of GRAS Status as Direct Human Food Ingredients; Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the period for submitting data on levels of lead and cadmium in corn sugar, corn syrup, and invert sugar. FDA requested this data in its proposal to affirm that corn sugar, corn syrup, and invert sugar are generally recognized as safe (GRAS) as direct human food ingredients. FDA is granting this reopening of the period for submitting data in response to a request.

DATE: Comments by May 8, 1983.

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

FOR FURTHER INFORMATION CONTACT: Corbin Miles, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202–472–4750.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 30, 1982 (47 FR 53917), FDA proposed to affirm that corn sugar, corn syrup, and invert sugar are GRAS as direct human food ingredients. Comments on the proposal were to be submitted by January 31, 1983, and data on levels of lead and cadmium in these ingredients were to be submitted by March 30, 1983. FDA has received a request from the Sugar Association, Inc., to reopen the period in which to submit data on levels of lead and cadmium. The request is on file with the Dockets Management Branch (address above).

After carefully evaluating the request, FDA concludes that it is appropriate to reopen the period in which to submit such data. The agency wishes to ensure that all interested parties have a full opportunity to provide such information. Therefore, FDA is reopening the period in which to submit data on lead and cadmium until May 8, 1983.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Interested persons may on or before May 8, 1983, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to 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. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-9349 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 182 and 184

[Docket No. 79N-0142]

Sucrose: Proposed Affirmation of GRAS Status as a Direct Human Food Ingredient: Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; reopening of comment periods.

SUMMARY: The Food and Drug Administration (FDA) is reopening the period for submitting data on levels of lead and cadmium in sucrose. FDA requested this data in its proposal to affirm that sucrose is generally recognized as safe (GRAS) as a direct human food ingredient. FDA is granting this reopening of the period for submitting data in response to a request.

DATE: Comments by May 8, 1983.

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

FOR FURTHER INFORMATION CONTACT: Corbin Miles, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202-472-4750.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 30, 1982 (47 FR 53923), FDA proposed to affirm that sources is generally recognized as safe (GRAS) as a direct human food ingredient. Comments on the proposal were to be submitted by January 31, 1983, and data on levels of lead and cadmium in this ingredient were to be submitted by March 30, 1983.

FDA has received a request from the Sugar Association, Inc., to reopen the period in which to submit data on levels of lead and cadmium. The request is on file with the Dockets Management Branch (address above).

After carefully evaluating the request, FDA concludes that it is appropriate to reopen the period in which to submit such data. The agency wishes to ensure that all interested parties have a full opportunity to provide such information. Therefore, FDA is reopening the period in which to submit data on lead and cadmium until May 8, 1983.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Interested persons may on or before May 8, 1983, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments maybe seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-9348 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 1030

[Docket No. 75N-0007]

Microwave Diathermy Products; Withdrawal of Proposal

Correction

In FR Doc. 83-5986, appearing on page 10373, in the issue of Friday, March 11, 1983, make the following corrections.

On page 10374, in the middle column, the third complete paragraph, last line, correct "20957" to read "20857" and in the fourth complete paragraph, line 7, correct "21 U.S.C. 302" to read "21 U.S.C. 301".

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

38 CFR Part 1

Time Limit to Request Waiver

AGENCY: Veterans Administration.

ACTION: Proposed rule.

SUMMARY: The Veterans Administration proposes to amend its regulation concerning the time limit in which to request waiver of benefit overpayments. The "Veterans' Compensation, Education, and Employment Amendments of 1982", Pub. L. 97-306, revised the statutory time limit in which to request waiver of benefit overpayments which is found in 38 U.S.C. 3102(a). A payee will now have 180 days, instead of two years, in which to request waiver of a benefit overpayment. This new 180 day time limit affects only those waiver requests based upon a notification of indebtedness issued after March 31, 1983.

DATES: Comments must be received on or before May 9, 1983.

It is proposed to make these amendments effective on April 1, 1983.

ADDRESSES: Interested persons are invited to send written comments to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. Comments will be available for inspection only at the above address between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Peter Mulhern, (202) 389-3405.

SUPPLEMENTARY INFORMATION: This new legislation does not affect waiver requests made under authority of 38 U.S.C. 3102(b) on debts arising out of the loan program administered under chapter 37 of title 38, U.S.C. Likewise, the legislation does not affect waiver requests made under authority of 5 U.S.C. 5584 on debts resulting from the erroneous payment of pay or allowances.

This new legislation further amends 38 U.S.C. 3102(a) by adding that the 180 day period may be extended if the payee can demonstrate that notification of indebtedness was not received within a reasonable time.

The Administrator hereby certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-602. Pursuant to 5 U.S.C. 605(b), this proposed rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604. The reason for this certification is that this proposed rule affects only those individuals indebted to the U.S. Government as a result of participation in Veterans Administration programs. This proposed rule has also been reviewed under E.O. 12291 and has been determined to be nonmajor because it only revises the time limit in which to request waiver and does not have any adverse economic impact on or increase costs to consumers, individual industries, Federal, State and local government agencies or geographic regions.

There is no Catalog of Federal Domestic Assistance number.

List of Subjects in 38 CFR Part 1

Claims, Administrative practice and procedure, Veterans.

Approved: March 28, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 1—GENERAL

1. Section 1.963 is amended by revising paragraph (b) to read as follows:

§ 1.963 Waiver—other than loan guaranty.

* * * * *

(b) *Application.* A request for waiver of an indebtedness under this section shall only be considered:

(1) If made within 2 years following the date of a notice of indebtedness issued on or before March 31, 1983 by the Veterans Administration to the debtor, or

(2) Except as otherwise provided herein, if made within 180 days following the date of a notice of indebtedness issued on or after April 1, 1983 by the Veterans Administration to the debtor. The 180 day period may be extended if the individual requesting waiver demonstrates to the Chairperson of the Committee on Waivers and Compromises that, as a result of an error by either the Veterans Administration or the postal authorities, or due to other circumstances beyond the debtor's control, there was a delay in such individual's receipt of the notification of indebtedness beyond the time customarily required for mailing (including forwarding). If the requester does substantiate that there was such a delay in the receipt of the notice of indebtedness, the Chairperson shall direct that the 180 day period be computed from the date of the requester's actual receipt of the notice of indebtedness. (38 U.S.C. 3102(a)) (April 1, 1983)

* * * * *

§ 1.963a [Amended]

2. Section 1.963a(b)(2)(ii) is amended by changing the word "Controller" to the words "Office of Budget and Finance."

[FR Doc. 83-9241 Filed 4-7-83; 8:45 am]

BILLING CODE 8320-01-M

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38 CFR Part 1

Licensing of Government Owned Inventions

AGENCY: Veterans Administration.

ACTION: Proposed rule.

SUMMARY: The Veterans Administration is proposing to amend the VA regulation governing the licensing of government owned inventions to: (1) Give notice that the licensing of selected VA inventions would be handled by the National Technical Information Service (NTIS) (2) reflect the change of name from Department of Health, Education, and Welfare to Department of Health and Human Services and (3) provide administrative appellate procedures for persons dissatisfied with decisions concerning the licensing of inventions in VA custody, as required by 41 CFR 101–4.105.

DATES: Comments must be received on or before May 9, 1983.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed regulation to: Administrator of Veterans Affairs (271A), 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, of the above address, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Chauncey W. Durden III, 389–2638/3967.

SUPPLEMENTARY INFORMATION: (1) By agreement dated April 26, 1979, the Department of Commerce, NTIS, handles the negotiation and execution of licenses in those VA inventions which the VA refers to the NTIS and which the NTIS accepts. 38 CFR 1.666 does not reflect this.

(2) The present § 1.666 refers to the Department of Health, Education, and Welfare, which name was changed to the Department of Health and Human Services when education functions, not relevant here, were transferred to the new Department of Education.

(3) Recent changes in the patent laws specifically authorize the Admnistrator of General Services to promulgate regulations governing the licensing of Federally-owned inventions. 35 U.S.C. 208. Pursuant to this, GSA promulgated 41 CFR Part 101–4 (FPMR Amdt. A–34) which, among other things, requires each Federal agency to prescribe procedures for appeals by unsuccessful applicants for licenses in inventions controlled by that agency, licensees whose licenses have been modified or terminated, and persons who have unsuccessfully objected to proposals to award exclusive or partially exclusive licenses. 41 CFR 101–4.105. This change to 38 CFR 1.666 is intended to provide for such appeal procedures.

The Administrator has determined that this proposed regulation is not a major rule as that term is defined by E.O. 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. It will not result in any major increases in costs or prices. It will have no significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator has certified that this proposed regulation will not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. This regulation is exempt under 5 U.S.C. 605(b) from the initial and final regulatory flexibility analyses requirements of 5 U.S.C. 603 and 604. This certification is based on the expectation, based on past experience, that very few licenses will be requested on any VA inventions other than those referred to NTIS, which will be governed by Department of Commerce regulations, and the fact that 41 CFR Part 101–4 (FPMR Amdt. A–34), which mandates these appellate procedures, provides for a preference for small business and nonprofit organizations. Accordingly, this regulation will have no significant impact on small entities, i.e. small businesses, small private and nonprofit organizations, and small governmental jurisdictions.

List of Subjects in 38 CFR Part 1

Administrative practice and procedures, Government contracts, Government property, Inventions and patents.

There is no catalog of Federal Domestic Assistance number.

Approved: March 22, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 1— [AMENDED]

In 38 Part 1, *General*, § 1.666 is revised to read as follows:

§ 1.666 Licensing of government-owned inventions.

The licensing of government-owned inventions under VA control and custody will be conducted pursuant to the regulations on the licensing of government-owned inventions promulgated by the General Services Administration in FPMR 101–4.1, as revised. By mutual agreement, the National Technical Information Service of the Deparment of Commerce will administer the licensing of selected inventions in VA control and custody. Control and custody will be transferred to the Department of Commerce before a license is issued. By mutual agreement,

the Department of Health and Human Service will administer the licensing of of VA inventions not administered by the National Technical Information Service. Any person (a) whose application for a license in an invention under VA control and custody has been denied; (b) whose license in such an invention has been modified or terminated, in whole or in part; or (c) who timely filed a written objection in response to a proposal to grant an exclusive or partially exclusive license in an invention under VA control or custody, may, if damaged, appeal any decision or determination concerning the grant, denial, interpretation, modification, or termination of a lincense to the Administrator of Veterans Affairs. Such appeal shall be in writing and shall set forth with specificity the basis of the appeal. Such appeal shall be postmarked not later than 60 days after the action being appealed. Upon request of the appellant, such appeal may be considered by one to three persons appointed on a case-by-case basis by the Administrator of Veterans Affairs. Such a request will be granted only if it accompanies the written appeal. Appellant may appear and be represented by counsel before such a panel, which will sit in Washington, D.C. If the appeal challenges a decision to grant an exclusive or partially exclusive license in an invention under VA control or custody, the licensee shall be furnished a copy of the appeal, shall be given the opportunity to respond in writing, may appear and be represented by counsel at any hearing requested by appellant, and may request a hearing if appellant has not, under the same terms and conditions, at which the appellant may also asppear and be represented by counsel. (41 CFR 101–4.105; 35 U.S.C. 208)

[FR Doc. 83-9242 Filed 4-7-83; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2342-5]

1982 Nonattainment Area Plans; California

AGENCY: Environmental Protection Agency [EPA].

ACTIONS: Notice of comment period extension.

SUMMARY: On February 3, 1983, the Administrator proposed in the **Federal Register** to find the implementation plans for certain areas inadequate to comply with the provisions of Part D of the Clean Air Act (48 FR 4972) and proposed approval/disapproval of plans required to be submitted by July 1, 1982, where extensions of the attainment date to 1987 for carbon monoxide/ozone were previously granted by the Administrator (48 FR 5022–5149). On March 21, 1983 [48 FR 11725] EPA extended the public comment period from March 21, 1982 to May 5, 1983 for all of those areas proposed at 48 FR 4972 and on the disapprovals (but not the approvals) proposed at 48 FR 5022–5149 February 3, 1983. Today's notice extends the public comment period from March 21, 1983 to May 5, 1983 for the California 1982 nonattainment area plans proposed for approval in the February 3, 1983 notice at 48 FR 5074–5085.

DATES: Written comments must be received no later than May 5, 1983.

ADDRESSES: Comments should be addressed as directed in the February 3, 1983 **Federal Register** (48 FR 5074–5085).

FOR FURTHER INFORMATION CONTACT: Wallace D. Woo, Chief, State Liaison Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tele: (415) 974–7634, FTS: 454–7634.

SUPPLEMENTARY INFORMATION: On February 3, 1983, (48 FR 4972–5149), the Agency proposed two sets of actions, approving/disapproving State Implementation Plans (SIP) designed to attain the primary ambient air quality standards as required by Sections 171–179 (Part D) of the Clean Air Act. At that time, the Agency established a 45-day period (ending March 21, 1983) for the receipt of public comment. Subsequent to that action, the Agency has received numerous requests for the Agency to provide additional time for the preparation and delivery of comments on the actions proposed in the **Federal Register** on February 3, 1983. These requests expressed concern regarding the complexity of the proposed actions and the ability to prepare comments on those actions in the time provided.

For California, EPA received requests to extend the comment period for areas proposed for disapproval as well as those areas proposed for approval. On March 21, 1983 [48 FR 11725] EPA did grant an estension of the comment period for all areas proposed for disapproval in the February 3, 1983 notice, but not for areas where the 1982 nonattainment area plans were proposed for approval. There were several such plans in California, and a letter dated March 17, 1983 from the California Air Resources Board emphasized that they required additional time to comment on the plans in areas proposed for approval. EPA has concluded that California commentors do appear to require additional time to formulate and submit comments on the proposed approval actions as well. The Agency, therefore, believes that it is appropriate to grant the requests for an extension to the public comment period on the proposed approvals of California's 1982 nonattainment area plans proposed at 48 FR 5074–5085.

The Agency, recognizing both the need for prompt action on the part of the Agency and the need for public evaluation and comment on the Agency's proposal, believes it is appropriate to provide this limited extension of the comment period. Hence, by today's action, the Agency is granting a 45-day extension of the public comment period to May 5, 1983 as noted above, for the California plans proposed for approval on February 3, 1983. Based upon the requests received to date, the Agency believes that the 45-day extension granted by this notice is sufficient, and does not anticipate granting any requests for further extensions for the comment period.

List of Subjects in 40 CFR Part 52

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

Authority: This notice is issued under the authority granted by Sections 101, 110, 172, and 301 of the Clean Air Act, 42 U.S.C. 7401, 7410, 7502, 7601.

Dated: March 18, 1983.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 83-9253 Filed 4-7-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[EPA Action KS 998; A-7-FRL 2323-5]

Revision to State Implementation Plan; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The State of Kansas submitted a request on July 2, 1981, that EPA redefine the boundaries of attainment areas in Kansas. The request resulted from the new definition of baseline area in the August 7, 1980 **Federal Register** at 45 FR 52715. The state requested that the areas currently

defined in the Code of Federal Regulations as "Remainder of State" and "Entire State" be redefined on a county-by-county basis for each pollutant.

EPA is proposing to approve the substance of the request in accordance with EPA's regulations governing the establishment of baseline areas. Today's notice is published to advise the public of EPA's proposed action and to request comments.

DATES: Comments must be received on or before June 7, 1983.

ADDRESS: Comments should be addressed to Mary C. Carter, Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Copies of the state submission are available for inspection during normal business hours at the above address and at the following location: Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: On July 2, 1981, the Kansas Department of Health and Environment submitted a request for redesignation to EPA, which would change the boundaries of the attainment areas in Kansas. The state submitted a list of all counties in the state, and proposed that each county be designated as a separate attainment area for each pollutant for which attainment designations were made under Section 107(d) of the Clean Air Act. (See 40 CFR 81.317 for the specific designations relating to Kansas.) The request would not alter the attainment status of any area of the state, but would merely redraw the boundaries for the portions of the state which are designated attainment or unclassifiable areas.

This request resulted from the new definition of "baseline area," as it pertains to the Prevention of Significant Deterioration (PSD) program. [See 40 CFR 52.21(b)(15).] In the preamble to the PSD regulations (at 45 FR 52716, August 7, 1980) EPA indicated that states may submit redefined boundaries of attainment or unclassifiable areas that were previously included within a larger clean area. EPA suggested that states, may, as in this case, wish to effect such redesignations in order to establish smaller baseline areas for purposes of PSD review. In general, baseline areas are areas designated attainment or unclassifiable under Section 107(d) of the Act. The first permit application filed within such an area establishes the baseline air quality for the entire area, and the air quality impact of any new source proposing to locate within the area will be measured against this baseline to determine maximum allowable emissions. (See generally, 45 FR 52715, August 7, 1980.) The preamble states that EPA will redesignate areas as new attainment or unclassifiable areas if it agrees that the available data support the change, and if no sources subject to PSD regulations have located in, or significantly impacted on, a clean area being considered for redesignation.

No action was taken by EPA, Region VII, on the July 2, 1981, request from Kansas because, at the national level, EPA was preparing to issue a proposed rulemaking which would allow such blanket attainment designations for sulfur dioxide (SO_2) and total suspended particulate matter (TSP) to be interpreted as establishing individual attainment designations for each county in the blanket area. This national proposal was published in the Federal Register on January 21, 1982 (47 FR 3011). No final action on this proposal has been taken to date. For this reason, EPA is proposing to take action on the Kansas request, as described below. This proposal relates only to the Kansas request for redesignation, and the specific attainment status list submitted by Kansas. It is not intended to interpret the phrases "Remainder of State" and "Entire State", as found at 40 CFR 81.317.

At present the entire State of Kansas is designated (see 40 CFR 81.317) as one area that is "Better Than National Standards" for SO_2. For TSP, part of Wyandotte County is designated at 40 CFR 81.317 as nonattainment for the primary standard, part of Wyandotte County is designated as nonattainment for the secondary standard, part of Topeka is designated as nonattainment for the secondary standard, while the remainder of the state is classified as one area that is "Better Than National Standards." For carbon monoxide (CO) a portion of Sedgwick County at Wichita is designated nonattainment with the remainder of the state designated as "Cannot Be Classified or Better Than National Standards." Wyandott, Johnson, and Douglas Counties are designated as nonattainment for ozone while the remainder of the state is designated as "Cannot Be Classified or Better Than National Standards" for this pollutant. The entire state is designated as "Cannot Be Classified or Better Than National Standards" for nitrogen dioxide. The state requested (July 2, 1981) that each county in the areas presently classified as either "Cannot Be Classified" or "Better Than National Standards" be redesignated as individual attainment areas for each pollutant. Thus, a permit application for construction within the previously undifferentiated areas would establish the baseline air quality, not for the entire state or remainder of state, as before, but only for the county (or counties) in which the proposed source would have a significant impact. A source is considered to impact an area if it changes the air quality by 1 $\mu g/m^3$ or more of sulfur dioxide or particulate matter on an annual basis (see 45 FR 52716, August 7, 1980.)

Since a designated PSD "area" can be no smaller than the area of significant impact of a source, a permit application for a source which will have a significant impact on the air quality of more than one county will establish all of the significantly affected counties as a single attainment "area." Additionally, the boundaries of a redesignated area may not encroach upon the area of impact of any major stationary source or major modification that has already established the baseline date for the area or part of the area proposed for redesignation (see 45 FR 52716, August 7, 1980.)

At the present time, only two pollutants, SO_2 and TSP, are subject to PSD determinations. In Kansas there have been six PSD permit applications which would determine the baseline date for some redesignated areas. Dispersion analysis indicates that only one PSD source of SO_2 located in Pottawatomie County has a significant impact in an adjacent county, Nemaha County. No particulate PSD sources have a significant impact in an adjacent county.

Proposed Action

EPA is proposing that each county in the area presently classified at 40 CFR 81.317 as "Better Than National Standards" for SO_2 (the entire state) be reclassified on a county-by-county basis for this pollutant, each county being a separate SO_2 attainment area, with the exception of Pottawatomie County and Nemaha County which will be designated as a single SO_2 attainment area.

EPA is proposing that each county in the area presently classified at 40 CFR 81.317 as "Better Than National Standards" for TSP be reclassified on a county-by-county basis for this pollutant, each county being a separate TSP attainment area, with the exception of Wyandotte and Shawnee Counties. The parts of Wyandotte County that are

presently classified as nonattainment for either the primary or secondary TSP standards will remain nonattainment areas, with the remainder of the county, which is presently classified as attainment, to be reclassified as a separate attainment area. The part of Shawnee County that is presently classified as nonattainment for the secondary TSP standard wil remain a nonattainment area, with the remainder of the county which is presently classified as attainment, to be reclassified as a separate attainment area.

EPA is proposing that each county in the area presently classified at 40 CFR 81.317 as "Cannot Be Classified or Better Than National Standards" for CO be reclassified on a county-by-county basis for this pollutant, each county being a separate CO attainment area, with the exception of Sedgwick County. The portion of Sedgwick County presently classified as nonattainment for CO will remain nonattainment for this pollutant, with the remainder of the county, which is presently classified as attainment, to be reclassified as a separate attainment area.

EPA is proposing that each county in the area presently classified as "Cannot Be Classified or Better Than National Standards" for ozone be reclassified on a county-by-county basis for this pollutant, each county being a separate ozone attainment area. Wyandotte, Johnson, and Douglas Counties will remain nonattainment for ozone.

EPA is proposing that each county in the State of Kansas be reclassified on a county-by-county basis for nitrogen dioxide, each county being a separate nitrogen dioxide attainment area.

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: March 3, 1983.

Morris Kay,

Regional Administrator.

[FR Doc. 83-9252 Filed 4-7-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8560

Special Recreation Permit Policy

AGENCY: Bureau of Land Management, Interior.

ACTION: Opening of public comment on proposed policy.

SUMMARY: The proposed Special recreation Permit Policy describes how the Bureau of Land Management proposes to administer permitted recreational use of public lands and related waters. This proposed policy, as it relates to commercial recreational uses, closely parallels similar outfitter/guide policy proposed by the Forest service. After comments have been received and considered, the policy is scheduled to be revised and issued as final policy by October 1983.

Note that proposed rulemaking needed to implement this policy fully is scheduled to be published in the **Federal Register** in approximately one month. It is expected that the comment period for the proposed rulemaking and for this policy will end at the same time. Like the proposed policy, the proposed rulemaking is scheduled to be revised and issued as Final Rulemaking in October 1983.

DATE: Comments by June 30, 1983.

ADDRESS: Comments or suggestions should be sent to Director (341), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240. Comments will be available for public review in Room 2657 of the above address during regular business hours (7:45 am to 4:15 pm) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Bruce R. Brown or Robert I. Conquergood at (202) 343-9353.

SUPPLEMENTARY INFORMATION: Early in the 1970's recreational use of some Bureau of Land Management administered lands increased to the point where deteriorating resources and user conflicts made it necessary to control use. Permit systems were developed for both commercial and non-commercial recreational uses. Fees were established to recover permitting costs and to allow the Government to receive a return for use of public lands. This permitting system also recognized the public service performed by commercial recreation services in providing access to recreation areas for those users not equipped or desiring to do so themselves.

Today, many areas administered by the Bureau of Land Management have established management and permit systems for regulating recreational use. Although similarities exist among these systems, there are also many differences. This proposed policy on the issuance and administration of special recreation permits attempts to standardize BLM policies and procedures to assure consistency across the Bureau. This effort, as it relates to commercial recreation, is being coordinated with the Forest Service to be as consistent as possible between agencies since many permittees operate on lands of both agencies. This proposed policy represents a basis for discussion with interested publics.

Some of the key features of the proposed policy include: (1) Management consistency in meeting recreation management planning objectives; (2) the requirement for special recreation permits for commercial, competitive, and other recreational uses; (3) enhanced stability for the commercial recreation industry operating on the public lands; (4) a timely appeals process; (5) a statement of goals for allocating limited recreation opportunities; (6) an equitable fee structure that recovers permitting costs and, in some cases, generates net revenues; (7) provisions for fee waivers for educational use which are consistent with Departmental regulations in 36 CFR 71; (8) evaluation of permittee performance at least once per year; and, (9) monitoring and enforcement which will deter unauthorized use.

Other actions to streamline the program have already taken place. For instance, Form 8370-1, Special recreation Application and Permit, was revised during Summer, 1982, to require less time to complete the form. At the same time that form was issued, a new checklist form was distributed to the Bureau of Land Management's recreation personnel. This new checklist is designed to save both time and money and provide Bureau managers an opportunity to review the costs associated with each permit. In another move designed to reduce costs, the Department of the Interior published in the **Federal Register**, on November 5, 1982 (47 FR 50368), revisions of the Department's list of actions which are categorically excluded from environmental review. Several recreation permitting actions which were included in the revision are expected to result in substantial savings.

It is important to note that BLM is exploring other alternative management solutions to streamline the recreation

management program, in line with the new Federalism policies. Alternatives might include obtaining cooperative management agreements with county, State or other Federal agencies to transfer or jointly manage Federal recreation properties and facilities.

Dated: April 4, 1983.

Robert F. Burford,

Director.

Proposed Special Recreation Permit Policy

A. General Policy

1. *Basic Objectives.* The basic objectives of the Bureau of Land Management's (BLM's) special recreation permitting system are to satisfy recreational demand within allowable use levels in a safe and enjoyable manner while minimizing adverse resource impacts and user conflicts.

2. *Consistency With Planning.* Special recreation permits are managed in a manner which is consistent with management objectives determined in resource management plans, recreation area management plans, or in their absence, through recreation management objectives resulting from analysis of resources and visitor use for each area (recreation opportunity spectrum classes).

3. *Privilege.* In issuing special recreation permits to recreational users of public lands, BLM consents to use of the land and/or related waters for the permitted purposes. This represents a privilege to use public lands and/or related waters which is subject to the terms and conditions of the permits.

4. *Permits Required.* Special recreation permits are issued for specific recreational uses of the public lands and related waters. They are issued as a means to control visitor use, to protect recreational resources, and as a mechanism to accommodate commercial recreational uses. Authorized by the Land and Water Conservation Fund Act, there are four types of uses for which these permits are required—commercial, competitive, off-road vehicle use involving 50 or more vehicles, and individual or group use in special areas. (See definitions in 43 CFR 8372.)

There are three exceptions to these permit requirements. Special recreation permits are not required when: (1) BLM sponsors, or co-sponsors uses, such as activities that take place as a result of cooperative or volunteer agreements; (2) the authorized officer *(1)* (See notes at the end of this policy.) determines that permits and fees are unnecessary where a use or event begins and ends on non-public lands, traverses less than 1 mile of public lands, *and* poses no threat of significant damage to public land resource values; and (3) the authorized officer waives the permit and fee requirements for competitive off-road vehicle events that are not commercial when the events comply with off-road vehicle designations for the use area, no cash prizes are awarded, less than 50 vehicles are involved, and there is no public advertising for the event.

5. *Allocation of Use.* As the use in a recreation area increases, one of the actions taken by the authorized officer is to determine the desired level of use of the carrying capacity *(2)*. When necessary, carrying capacities are set in accordance with decisions in the management plan for each area or, in the absence of management plans, through recreation management objectives resulting from analysis of resources and visitor use for each area (recreation opportunity spectrum classes).

If the use level in the area exceeds the carrying capacity, measures must be taken to remedy the problem. Indirect visitor and resource management techniques such as controlling public land access, interpretive efforts to promote environmental awareness and protection, providing extra protection for fragile resources, encouraging voluntary scheduling of commercial trips, or other mitigating measures to resolve user conflicts are used before resorting to direct management methods such as allocating use among users.

When the need for more direct management methods is apparent, use opportunities are allotted between and rationed within competing types of uses. This allocation consists of imposing limits on users who participate in similar types of recreation activities. These limits may effect (1) the overall number of individuals, (2) the number of groups or parties, (3) the number of individuals per group and/or the number of users by sector (e.g., commercial, competitive, or individual/group use).

The following are BLM's allocation goals:

a. Manageability—allocation methods must be workable, implementable, defensible to users, and within legal and budgetary constraints.

b. Flexibility—the method used must be responsive to the relative amount of use and to demand shifts.

c. Fairness and Equity—to the greatest extent possible, for all concerned.

d. Maximization of experiences and allowable use.

e. Minimization of resource impacts and user conflicts.

B. Issuance of Permits.

When the desired use is within the maximum allowable use level determined for the area and the applicant meets any minimum standards which are required to conform with management plan decisions or by State or local agencies, all special recreation permits are generally issued on a first-come-first-served basis. Where possible, a sufficient number of commercial permits are issued to encourage competition among permittees.

When an area's desired use level has been reached, no additional permits will be issued. New permits may become available when:

1. An area's desired use level (carrying capacity) is increased. Desired use levels could be expanded, for example, by increasing the number of allowable users within a use season or by lengthening the season.

2. A permit is revoked or not renewed because of non-compliance.

3. A permittee voluntarily relinquishes a permit.

4. New opportunities become available.

These new permits may be: (1) Awarded according to historical use, (2) limited to existing commercial permit holders, (3) limited to commercial permittees displaced from another area, (4) awarded by a competitive system, or (5) awarded by a combination of methods. For example, two or more current commercial permittees may be marginally economical and the additional allocation or capacity may help ensure better service to the public. In such cases, those competing for the permit may be limited to existing commercial permittees.

In areas where use exceeds the desired use levels, or when the management plan indicates decreases in the use level are necessary, the reductions are generally accomplished proportionally for all permit holders or through voluntary reductions. Another method which may be used to reduce use is to award fewer permits. In this method, subsequent permits may be awarded according to historical use *(3)*, limited to existing commercial permit holders, by a competitive system, or by a combination of methods.

C. Fees. Fees are charged for these permits to meet two objectives: primarily, to recover the cost of issuing and administering the permits; and, where possible, to provide a return for special use of public lands. Fee levels are set with these objectives in mind after study of the direct and indirect cost *(4)* to the government, the benefits to the recipient, the public policy or interest served, the comparable

recreation fees charged by Federal and non-Federal public agencies and the private sector, the economic and administrative feasibility of fee collection, and other pertinent factors such as the value of the use privilege conferred. In most cases these levels provide for recovery of the costs of the permits and in some cases, notably commercial recreation uses, provide a return to the Government for the use of the land.

Substantial unreimbursed costs have been incurred in the past when permit applications were denied based on environmental or other considerations. Therefore, prepayment may be required for work on special recreation permit applications even though there is no certainty that the permit would be issued.

Permits may be required but fees are not charged for uses for edcational or scientific purposes, regardless of whether the use is commercial, so long as the use is not primarily recreational. Applicants on this basis must, however, complete for use allocation in those areas where use is limited (e.g., for allocation purposes, those applicants who meet the definition of commercial compete for commercial permits while others compete for noncommercial permits).

D. Terms.

1. *Permit length.* Commercial permits are generally issued for five years. Other types of permits may be issued for a day, season of use, or any other time period considered appropriate by the authorized officer for the intended use. Criteria used to determine appropriate permit length include management objectives, the time necessary to amortize the permittee's investment, resource management planning timeframes, the environmental risks involved, public demand for the services, and ther permittee's past performance.

At a minimum, an annual evaluation of each multi-year permit is completed to evaluate performance and compliance with terms and conditions of the permit, determine if use still complies with management plan objectives, and review of past year receipts to determine over or under payment.

For commercial special recreation permits, the authorized officer develops performance review standards in consultation with the permittee, State fish and game agencies, State outfitter licensing boards, councils, and other State and Federal land managing agencies. These are included in each permit.

2. *Renewal of Permits.* At the end of the term of each permit a review of the permit similar to the annual review indicated above is conducted. If the permittee applies for another permit and it is determined that the permittee satisfactorily met the requirements of the previous permit and continued use is consistent with the management plan, the Authorized Officer should show preference to that permittee in issuing a new permit. Unsatisfactory performance may lead to denial of the permit applications.

3. *Transfer of Commercial Permit Privileges.* On occasion, existing permittees may wish to sell or otherwise terminate their business and desire the permit privileges be transferred to a new owner. This might occur either at the end of the existing permit period or prior to expiration of the existing permit. Procedure for this type of transfer is as follows:

a. When an existing permittee wishes to have the permit privileges transferred to a potential new owner of his/her business the permittee must so notify the authorized officer is writing.

b. The authorized officer will consider the following in determining whether to allow the transfer:

(1) The new applicant must agree to provide the type and size of operation specified in the management plan.

(2) The new applicant must be able to meet any standards required in conformance with management plan decisions or by State or local agencies (this includes standards of outfitter/guide licensing boards in States with licensing requirements).

(3) Adequate documentation must be provided to the authorized officer that a bona fide business transfer or sale is intended. The transfer or sale must include a substantial portion of the equipment and other tangible assets needed to conduct a business. Any attempted transfer or sale of authorized use *only* is not allowed.

(4) Generally, the previous permittee should have operated to an acceptable standard for at least two consecutive use seasons before requesting a transfer of the permit privileges.

c. If the new applicant has demonstrated the ability to meet the above conditions and has met State and local requirements (as applicable), the authorized officer should reissue the permit. The new permit may contain terms and conditions that vary from the previous permit, including the number of authorized user days and the length of the permit period.

4. *Allowable Use.* The amount and type of use allowed under each permit is set by the authorized officer in conformance with management objectives. Modifications of permit terms within the permit period, including user days or other changes, are allowed only with approval of the Authorized Officer and must be consistent with the management plan. Assignment of permit privileges is not allowed. Consistent non-use of user days by a permittee may be a determining factor in future use allocations and award of permits.

5. *Suspension.* The authorized officer may suspend a special recreation permit if necessary to protect public health, public safety, or the environment. Such suspensions have no effect on the expiration date of the permit.

6. *Area of land.* Special recreation permits are issued for only the minimum amount of land needed for the intended use. If, in the judgment of the authorized officer, additional land is needed, a permit may be amended to include the necessary land.

7. *Inspection of records and accounts.* The authorized officer, or any other duly authorized representative of the Bureau, may examine any of the permittee's records or other documents related to the permit for up to three years after expiration of the permit.

8. *Stipulations.* The authorized officer may require the permittee to comply with any reasonable stipulations or conditions necessary to protect the lands or resources involved and the public interest in general. The permittee's compliance with these stipulations may be monitored at various intervals depending on the type of use involved, the resource values at risk, the permittee's past record of compliance, and other factors. Failure to comply with stipulations or conditions may result in permit cancellation, criminal sanctions, or civil suit.

9. *Bonds.* Performance bonds may be required to ensure payment of fees and/or rehabilitation or restoration of lands and resources.

10. *Insurance.* Insurance is required of all commercial and competitive permittees to provide restitution for damage or injury to the public or to privately owned resources, and to protect the United States from suit resulting from actions taken or caused by the permittee or participants in a permitted use.

11. *Violation of law.* Certain convictions under State laws or Federal laws or regulations related to the special recreation permit may result in cancellation of the permit.

E. *Appeals.* The decisions of the authorized officer regarding special recreation permits may be appealed to the Interior Board of Land Appeals. However, such decisions remain in effect unless ruled otherwise by the

Board. Also, any person who participated in the planning process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may raise only those issues which were submitted for the record to the District Manager during the planning process. Protest procedures and requirements are found at 43 CFR Part 1600.

F. *Monitoring for Compliance.* Permits are monitored for compliance with terms and conditions. The amount of such monitoring is commensurate with the resource values at risk, the permittees' past record of compliance, and other factors. This monitoring includes checking to ensure that all permitting requirements have been met. In addition, the Bureau also relies on permittees to report unauthorized use. When noncompliance or unauthorized use is encountered the Bureau seeks voluntary compliance. If voluntary compliance efforts and other administrative remedies, such as cancellation of permits, are unsuccessful the Bureau must resort to enforcement.

G. *Enforcement.* When voluntary and administrative means of gaining compliance fail, enforcement of criminal and civil sanctions related to the permitting requirements is in the interest of long-term management of BLM's recreation resources.

a. Criminal penalties. Persons who commit prohibited acts are subject to criminal penalties under the Land and Water Conservation Fund Act (conviction can result in a fine of up to $100) and the Federal Land Policy and Management Act (conviction can result in a fine of up to $1000 and/or one year imprisonment). These prohibited acts include:

(1) Failure to obtain a permit or pay a fee required by the special recreation permit regulations;

(2) Violation of stipulations or conditions of a permit issued under authority of the regulations;

(3) Knowingly participating in an event or use subject to the permit requirements of the regulations where no such permit has been issued. This extends criminal sanctions to participants in unauthorized events and is likely to deter many participants from knowingly becoming involved in unauthorized events. Proof of intent to participate in the unauthorized event or use knowingly would be required for conviction;

(4) Failure to post a copy of any commercial or competitive permit in plain view where all participants have the opportunity to read it. This makes participants aware that the use is authorized and it also makes them aware of the conditions of the permit. Participants can report permit violations to BLM.

b. Civil suit. Unauthorized users are subject to civil suit. The Bureau will seek penalties based on the amount of fees (lost revenue had a permit been issued), the cost of repair and/or rehabilitation of any damage caused by the use, and the value of irreparable resource damage. The Bureau can, under regulations in 43 CFR 9239.0-9(b), refuse to sell timber or materials, or to issue a lease or permit to unauthorized users who have been served with a demand for payment and the authorized officer has reason to believe payment will not be made.

Notes

(1) *Authorized Officer.* Any employee of the Bureau of Land Management who has been delegated the authority to perform the duties described herein. A document listing such delegation of authority may be reviewed in each BLM District Office.

(2) *Carrying Capacity.* Carrying capacity is the amount and type of recreational use an area can accommodate without altering either the environment or the user's experience beyond the degree of change deemed acceptable by the management objectives for the area. This can also be called the maximum allowable use level.

(3) *Historical Use.* This is generally defined as the average of the highest two use seasons in the preceding five-year period.

(4) *Direct Costs.* These are costs incurred, after an application for a special recreation permit has been received, to process the application, to issue the permit, and to ensure compliance with the terms of the permit. These include labor costs, travel and per diem, vehicle mileage, supplies needed for that particular permit, and other costs directly attributable to the permit. Services normally provided whether or not permits are issued, such as law enforcement, search and rescue, work done prior to the receipt of the application, and other normal operating costs are *not* included.

Indirect Costs. These are overhead costs affected by the permitting activities, expressed as a percentage of the total direct costs. The percentage for Fiscal Year 1983 is 16.3 percent. Field offices are notified in advance if a change in the percentage is necessary (the indirect cost rate is based on annual analysis of actual indirect costs for the previous year).

[FR Doc 83-9171 Filed 4-7-83; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 59 and 61

[Docket No. FEMA-FIA]

National Flood Insurance Program Coverage, Sales and Eligibility Provisions

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the National Flood Insurance Program (NFIP) regulations dealing with flood insurance coverage, the Standard Flood Insurance Policy terms and provisions, and the sale of flood insurance in communities participating in the NFIP. The purpose of the proposed rule is to revise the Program regulations to reflect proposed changes in the Flood Insurance Manual used by private sector property insurance agents and brokers in producing flood insurance business, and coverage changes in the contract of flood insurance, including exceptions from coverage made necessary by reason of statutory changes in the flood insurance eligibility criteria in respect to certain coastal communities participating in the NFIP.

DATE: All comments received on or before June 7, 1983, will be considered before final action is taken on the proposed rule.

ADDRESS: Persons wishing to comment should submit comments in duplicate to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Donald L. Collins, Federal Emergency Management Agency, Federal Insurance Administration, Room 429, 500 "C" Street, SW., Washington, D.C. 20472; telephone number (202) 287-0740.

SUPPLEMENTARY INFORMATION: These proposed amendments are the result of a continuing reappraisal, begun in 1981, of the National Flood Insurance Program (NFIP) from the standpoint of maintaining a business-like approach to the administration of the NFIP by emulating successful property insurance programs in the private sector while, at the same time, supporting the major FEMA goals of achieving greater administrative and fiscal effectiveness in the operation of the NFIP (see "National Flood Insurance Program

Coverage, Sales and Loss Prevention Provisions", 47 FR 19138, May 4, 1982).

Accordingly, these proposed amendments will provide the policyholder with a greater range of insurance deductibles to choose from—at reduced premium rates for the higher deductibles—while, to assure that the premium has been predicated on correct rating information, a program of insurance rating recertification will be introduced as to policy renewals, every three years, as a condition for renewal of flood insurance. The need for this latter measure has been under consideration this past year and was confirmed by an August, 1982 GAO Report entitled "National Flood Insurance:—Marginal Impact on Flood Plain Development—Administrative Improvements Needed," in which a field sampling of risks indicated that some 68 were misrated, resulting in the government receiving inadequate premiums for the risks insured. FIA has commenced Federal claims collection procedures to recoup the additional premium due and owing the government.

It is expected that the recertification program will mitigate, in the future, instances of insufficient premium being paid to the government due to errors in flood insurance rating and classification of risk made upon the application for the NFIP coverage. The recertification program will be handled in much the same way, for example, as property insurer in the private sector might send a questionnaire to its homeowner policyholders on an annual basis in order to properly rate the risk upon renewal of the policy. The NFIP, initially, will do this every three years.

Also, in keeping with private sector insurances practices, a system of surcharging risks subject to repetitive flooding, based on a decade of experience, will be introduced. Loss experience will be analysed beginning with January 1, 1978, for purpose of the surcharge, which marks the date the Federal government became the sole risk-bearer, or insurer, under the NFIP. This should result in the more hazardous flood risks paying a more equitable and realistic share of the costs of providing the insurance and alleviate, indirectly, some of the cross-subsidization of premium rates made by flooding incidences in the most recent ten year period. The surcharging of risks which repetitively flood will also assist the NFIP in reaching its goal of fiscal self-sufficiency by 1988, albeit the surcharges, it is estimated, will impact, over time, only about 1% of the total number of policyholders in the NFIP. The surcharging of risks represents a new classification of risk in the NFIP. To consider its impact on an individual policyholder, the classification system could be likened to situations in the private sector automobile insurer is granted a general rate increase by the State regulator because of bad loss experience in the aggregate, the rate increase is passed on to policyholders whose insurance is renewed subsequent to the rate increase. In some cases, these policyholders are involved, during the policy year, in traffic accidents or receive summonses for moving violations, resulting in percentage increases in their premium payments during the next insurance year. These policyholders must pay premiums, therefore, based upon the general rate increase and, in addition, the surcharges arising out of the moving violations and traffic accidents. In the context of this analogy, it is believed that the NFIP's policyholders will understand the necessity for the surcharge system as proposed for the NFIP.

In addition, Part 61 of the amendments and the related flood insurance policy changes, includes changes in the scope of coverage provided under the Standard Flood Insurance Policy, clarifications of some of the policy's present provisions, and a change in the waiting rule, governing the effective date of any coverage and limits of coverage added to the policy after its inception date, to require a five (5) day waiting period. The change in the waiting period will result in the same period of time, five (5) days, being applied to coverage added mid-term as is applied in the case of initial applications for new coverage.

The most important of these changes is the new exclusion of flood insurance coverage, effective October 1, 1983, made mandatory by the recently enacted Coastal Barrier Resources Act, Pub. L. 97-348, approved October 18, 1982. Pursuant to the Act, the Standard Flood Insurance Policy will exclude coverage for any building, and its contents, newly constructed or substantially improved on or after October 1, 1983, which is located on an undeveloped coastal barrier designated as such by the Congress on maps produced by the Department of the Interior and incorporated into the administration of the NFIP. FEMA's Office of State and Local Programs and Support (SLPS) has been delegated the responsibility, with the advice of FIA, to determine the meaning of the terms "new construction" and "substantial improvements" as used in the Coastal Barrier Resources Act and FIA's exclusion of flood insurance coverage in its final rule which reflect such definitions as are determined by SLPS.

Another important policy change is a provision to permit a policyholder to reinstate a lapsed policy in a case where the NFIP either did not mail a timely renewal notice to the policyholder or mailed the notice to the wrong person or address. Also, in furtherance of NFIP fiscal soundness and to discourage unsafe construction in dangerous coastal and other flood hazard areas, the policy is being amended to exclude coverage for finished basements (and contents therein) and enclosures (and contents) beneath the first floor of elevated structures, although foundation elements and machinery and equipment basic to the use of the insured building, such as heating, electrical, and air-conditioning equipment will still be covered in these areas. This latter policy change will also simplify the rating and insuring of structures by applying to all zones and to both emergency and regular program business. It should be noted that the NFIP is a taxpayer subsidized program as to which it is believed that the flood insurance policy should respond to the basic needs of policyholders. Another initiative will amend the policy provisions dealing with submission of a proof of loss by a policyholder in support of a claim for flood damages, by permitting waiver of this requirement in certain cases. This will have the effect of reducing paperwork and burden-hours requirements on the private sector, consistent with the Paperwork Reduction Act of 1980.

The remaining amendments either clarify policy terms and conditions, conform them to the NFIP Agent's Manual and Rules and Rates, or are editorial in nature. For example, to facilitate flood insurance rate classifications the definition of "Start of construction" will be amended to add, for flood insurance rating purposes, only the flood insurance underwriting practice whereby the rates for new construction are established by the NFIP as of the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. This proposed amendment will not change the definition of "start of construction" for floodplain management purposes, the definition of which will remain. Start of construction means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings of any work beyond the stage of excavation." The reason for the distinct

definition for use by the insurance component of the NFIP is as follows. The premiums for flood insurance, as to new construction started after the later of December 31, 1974 or the effective date of the community's Flood Insurance Rate Map (FIRM), vary from the subsidized rate available in the community prior to the appropriate effective date. Private sector property insurance agents, in completing an application for flood insurance on behalf of a resident of a participating community, must know the date upon which the building's construction commenced in order to assign the correct premium charge for the policy. Typically, communities have no record of the date on which the "pouring of slabs or footings or any work beyond the stage of excavation occurred", rendering the insurance producer unable to furnish a start of construction date upon which to predicate a rate for the insurance coverage. To conduct the NFIP's insurance business in an orderly manner, therefore, the program permits the insurance producer to utilize the community verification building permit date on the theory that the issuance of the building permit is the first step in the building construction process. It is belived that the underwriting convention is consistent with community practice and, at the same time, provides the insurance producer with a date certain for rating purposes which, otherwise, is not obtainable from the local records. It would be preferable to have a common definition for both insurance and floodplain management purposes and, in this proposed rule, the NFIP seeks ideas on how a common definition might be arrived at. Given the absence of a date certain for insurance rating purposes, however, the present floodplain management definition is unusable from the perspective of the private sector insurance producer, which may necessitate that the NFIP's insurance component maintain a separate, insurance-related definition. However, this definition, as the proposed rule states, will not apply to Pub. L. 97-348, in respect to which a subsequent proposed rule will be published by FEMA defining "start of construction" for puposes of the Act. In addition, while the proposed rulemaking does not address other Program terminology used for insurance purposes only, which may be articulated somewhat differently in their flood plain management counterparts (e.g.—the descriptions of "lowest floor" and "existing" and "new" construction in the rules differ from flood insurance agents' manual language), comments, suggestions for change, and indications of any problems incurred due to differing descriptions, are invited as to any of these definitions or descriptions which might be stated differently in their floodplain management and insurance contexts.

FEMA has determined, based upon an Environmental Assessment, that this rule does not have significant impact upon the quality of the human environment. A finding of no significant impact is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 "C" Street, SW., Washington, D.C. 20472.

These regulations do not have a significant economic impact on a substantial number of small entities and have not undergone regulatory flexibility analysis.

The proposed rule is not a "major rule" as defined in Executive Order 12291, dated February 17, 1981

List of Subjects in 44 CFR Parts 59 and 61

Flood insurance.

Accordingly, Subchapter B of Chapter I of Title 44 is proposed to be amended as follows:

PART 59—GENERAL PROVISIONS

§ 59.1 [Amended]

1. At § 59.1, the definition, "Start of construction" is revised by the addition of the following sentence at the end thereof:

* * * "Start of construction", for insurance purposes [for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-348]) includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date.

* * * * *

PART 61—INSURANCE COVERAGE AND RATES

§ 61.3 [Amended]

2. Section 61.3 is amended by the addition of the following language at the end thereof:

* * * Buildings entirely in, on or over water and buildings partially over water into which boats are floated are not eligible for coverage; other buildings partially over water may be covered upon submission of the details of the risk to the NFIP for the assignment of a rate commensurate with the risk and presentment of the correct premium to the NFIP.

§ 61.4. [Amended]

3. Section 61.4(c) is amended by the removing of the phrase "which are volcanic or tectonic in origin" and the placement of the period in the sentence after the word "movements".

§ 61.5. [Amended]

4. Section 61.5(a) is amended by the addition of the following at the end thereof:

(a) * * * No new flood insurance shall be written for any building, and its contents, if the building was newly constructed or substantially improved on or after October 1, 1983 in an area designated as an undeveloped coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348).

* * * * *

5. Section 61.5(d) is revised to read as follows:

* * * * *

(d) Each loss sustained by the insured is subject to a deductible provision under which the insured bears a portion of the loss before payment is made under the policy. The amount of the deductible for each loss occurrence is (1) For structural (i.e., insured building) losses, $500.00; and (2) for contents (i.e., insured personal property) losses, $500.00 (At the policyholder's option, the amount of the deductible for each loss occurrence may be $3,000.00 or $5,000.00 as to any zone. The loss deductible shall apply separately to each building loss [including appurtenant structures under a Dwelling Form, § 61.14, Appendix A (1)] and contents [personal property] loss including, as to each, debris removal); and (3) for the reasonable expenses incurred in connection with the temporary removal of an insured mobile home or insured contents (personal property) from the described and away from the peril of flood, $50.00.

* * * * *

6. Section 61.5(f)(10) is revised to read as follows:

(f) * * *

(10) Enclosures, contents, machinery, building equipment and fixtures below the lowest elevated floor of an elevated building; finished basement walls, floors, ceilings and other improvements to areas enclosed by foundation walls located entirely or partially below ground, and contents, machinery, building equipment and fixtures in such areas; except that, as to this subsection (10), coverage is provided in such areas for oil tanks, furnaces, hot water

heaters, washers, dryers, air conditioners, heat pumps, electric junction and circuit breaker boxes, and related electrical connections servicing the building.

* * * * *

7. Section 61.5(f) is amended by the addition of a new paragraph (11), as follows:

(f) * * *

(11) Any building, and its contents, if the building was newly constructed or substantially improved on or after October 1, 1983 in an area designated as an undeveloped coastal barrier, within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348).

* * * * *

8. Section 61.5(g)(2) is revised to read as follows:

(g) * * *

(2) Except for the insurability of "animals, birds and fish", at paragraph (f)(5) of this section, all of the kinds of uninsurable property and contents referenced at paragraph (f) (2) through (5) and at paragraphs (f) (7) through (10).

* * * * *

9. Section 61.5(g) is amended by the addition of a new paragraph (4), as follows:

(g) * * *

(4) Any building, and its contents, if the building was newly constructed or substantially improved on or after October 1, 1983 in an area designated as an undeveloped coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348).

* * * * *

§ 61.10 [Revised]

10. Section 61.10 is revised to read as follows:

§ 61.10 Minimum premiums and premium surcharges.

(a) The minimum premium required for any policy, regardless of the terms or amount of coverage, is $50.00.

(b) The following increases in premium, for all coverages and with respect to both the annual term and three-year term policies, shall be applied to the renewal of any such policy affected by these rules:

(1) The total premium charged in respect to any property sustaining more than one flood loss during a ten year period commencing January 1, 1978 shall be 10¢ per hundred dollars of insurance plus the applicable rate from the flood insurance manual rate in effect on the effective date of the new or renewal policy being applied for;

(2) The total premium charged in respect to any property sustaining more than two flood losses during a ten year period commencing January 1, 1978 shall be 20¢ per hundred dollars of insurance plus the applicable rate from the flood insurance manual rate in effect on the effective date of the new or renewal policy being applied for;

* * * * *

§ 61.11 [Amended]

11. Section 61.11 is amended by the removal of paragraph (a)(3).

§ 61.14 [Amended]

12. Section 61.14(b) is amended by the removal of the following:, 1725 I Street, NW.,

Appendix A(1) [Amended]

13. Appendix A(1) of Part 61, referenced at § 61.13, Standard Flood Insurance Policy, is revised, in the following particulars:

a. In the **Dwelling Form—Insuring Agreement** and in *Article II—Definitions*, wherever the phrase "Direct Physical Loss by Flood" appears, it is revised to read "Direct Physical Loss by or from Flood".

b. At *Article II—Definitions*, in the definition of "Direct Physical Loss by or from Flood", delete the parenthetical phrase at the end thereof, placing the period after the word "loss".

c. At *Article IV—Property Covered*, in the second sentence of paragraph B, delete the word "insured", which appears before the word "building."

d. At *Article V—Property Not Covered*, revise paragraph F to read as follows:

F. Enclosures, contents, machinery, building equipment and fixtures below the lowest elevated floor of an elevated building; finished basement walls, floors, ceilings and other improvements to areas enclosed by foundation walls located entirely or partially below ground, and contents, machinery, building equipment and fixtures in such areas; except that, as to this subparagraph (F), coverage is provided in such areas for oil tanks, furnaces, hot water heaters, washers-dryers, air conditioners, heat pumps, electric junction and circuit breaker boxes, and related electrical connections servicing the building.

* * * * *

e. At *Article V—Property Not Covered*, paragraph H is revised to read as follows:

H. On and after October 1, 1982, a mobile home located or placed within a FEMA designated Special Flood Hazard Area that is not affixed to a permanent site (anchored) to resist flotation, collapse, or lateral movement by providing over-the-top frame ties to ground anchors or that otherwise does not meet the community's flood plain management requirements, unless it is a mobile home on a foundation continuously insured by the National Flood Insurance Program at the same site at least since September 30, 1982.

* * * * *

f. At *Article V—Property Not Covered*, add a new paragraph K, as follows:

K. A building, and its contents, newly constructed or substantially improved on or after October 1, 1983, in an area designated as an undeveloped coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348).

g. *Article VI—Deductibles* is revised to read as follows:

Article VI—Deductibles

A. Each loss to your insured property is subject to a deductible provision under which you bear a portion of the loss before payment is made under the policy.

B. The loss deductible shall apply separately to each building loss and personal property (contents) loss including, as to each, appurtenant structure, debris removal, and any reasonable expenses incurred under Article III in connection with the preservation and saving of insured property after a flood.

C. The amount of the deductible for each loss occurrence is determined as follows: we shall be liable only when such loss exceeds $500 or, at your option, $3,000.00 or $5,000.00, in the event you have selected one of these optional deductibles when applying for flood insurance coverage.

D. In the case of reasonable expenses incurred pursuant to Article II in the temporary removal of an insured mobile home or insured personal property from the described premises and away from the peril of flood, the amount of the deductible shall be $50.00.

* * * * *

h. At *Article VIII—General Conditions and Provisions*, paragrah B. Concealment, Fraud is revised to read:

* * * * *

B. Concealment, Fraud: We will not cover you under this policy, which shall be void, not can this policy be renewed or any new flood insurance coverage be issued to you, if you have sworn falsely, or willfully concealed or misrepresented any material fact or done any fraudulent act concerning this insurance (See "F" below). In addition, we will not cover you under this policy, which shall be void, in the event you have misstated any fact, whether intentionally or not, on a "Recertification Questionnaire", which causes us to issue a policy to you based on a premium amount which is less than the premium amount which would have been payable by you were it not for the misstatement of fact (see "G", below).

* * * * *

i. At *Article VIII—General Condition and Provisions*, in paragrah G. Policy Renewal, the following is added to the end thereof:

* * * * *

Commencing January 1, 1978, and during any consecutive ten year period thereafter, if the insured property has, at the property address, sustained more than one flood, the total policy premium, upon application for or renewal of the policy after the second flood, shall be 10¢ per hundred dollars of insurance above the otherwise applicable premium in effect as of the effective date of the new or renewal policy and, if the property has sustained more than two floods, the total policy premium shall be 20¢ per hundred dollars of insurance above the otherwise applicable premium in effect as of the effective date of the new or renewal policy. As a condition for the renewal of this policy, you must, once every three years from its inception, recertify, on a Recertification Questionnaire we will provide you, the rating information contained on your most recent application for or renewal of insurance.

Nothwithstanding your responsibility to submit the appropriate renewal premium in sufficient time to permit its receipt by us prior to the expiration of the policy being renewed, we have established a business procedure for mailing renewal notices to assist insureds in meeting their responsibility. Regarding our business procedure, evidence of the placing of any such notices into the U.S. Postal Service, addressed to you at the address appearing on your most recent application or other appropriate form (received by the NFIP prior to the mailing of the renewal notice by us), does, in all respects, for purposes of the NFIP presumptively establish delivery to you for all purposes irrespective of whether you actually received the notice. However, in the event that we determine that, through any circumstances, any renewal notice was not placed into the U.S. Postal Service, or, if placed, was prepared or addressed in a manner which we determine could preclude the likelihood of it being actually and timely received by you prior to the due date for the renewal premium, the following procedures shall be followed:

In the event that you or your agent notifies us not later than one year after the date on which the payment of the renewal was due, of a non-receipt of a renewal notice prior to the due date for the renewal premium, which we determine was attributable to the above circumstances, we sahll mail a second bill providing a revised due date, which shall be thirty days after the date on which the bill is mailed. If the renewal payment is received by such revised due date, the policy shall be renewed as of the date on which the prior policy would have expired. If the renewal payment requested by reason of the second bill is not received by the revised due date, no renewal shall occur and the policy shall remain an expired policy as of the expiration date prescribed on the policy.

* * * * *

j. At *Article VIII—General Conditions and Provisions*, in paragrah I. Requirements in Case of Loss add the following at the end thereof:

* * * * *

5. We may, at our option, waive the requirement for the completion and filing of a Proof of Loss in certain cases, in which event you will be required to sign and, at our option, swear to an adjuster's report of the loss which includes information about your loss and the damages needed by us in order to adjust your claim;

6. Any false statements made in the course of presentment of a claim under this policy may be punishable by fine or imprisonment under the applicable Federal Laws.

* * * * *

k. At *Article VIII—General Conditions and Provisions* in paragraph K, the first sentence is revised to read as follows:

* * * * *

K. When Loss Payable: Within 60 days after you file your proof of loss or within 90 days after the insurance adjuster files an adjuster's report, signed and sworn to by you in lieu of a proof of loss.

* * * * *

l. At *Article VIII—General Conditions and Provisions*, in paragraph "L. Abandonment", add the following to the end thereof:

* * * * *

However, we may permit you to keep damaged, insured property ("salvage") after a loss and reduce the amount of the loss proceeds payable to you under the policy by the value of the salvage.

* * * * *

m. At *Article VIII—General Conditions and Provisions*, in paragraph O. Mortgagee Clause, the first paragraph is revised to read as follows:

* * * * *

O. Mortgagee Clause—(Applicable to building items only and effective only when policy is made payable to a mortgagee (or trustee) named in the application and declaration form attached to this policy or of whom the Insurer has actual notice prior to the payment of loss proceeds under this policy.)

* * * * *

Appendix A(2)

14. Appendix A(2) of Part 61, referenced at § 61.13. Standard Flood Insurance Policy, is revised, in the following particulars:

a. At the *Definitions* section, in the definition of "Direct Physical Loss by Flood" wherever that phrase appears, it is revised to read "Direct Physical Loss by or from Flood" and, at the end of the definition, the parenthetical phrase is deleted and the period is placed after the word "loss".

b. At the *Property Covered* section, in "A. Building", the second paragraph is removed.

c. At the *Property Covered* section, in "B. Contents" the matter following the phrase "The Insurer shall not be liable for loss in any one occurrence for more than: * * *" is revised to read as follows:

* * * * *

The Insurer shall not be liable for loss in any one occurrence for more than $250 in the aggregate on paintings, etchings, pictures, tapestries, art glass windows and other works of art (such as but not limited to statuary, marbles, bronzes, antique furniture, rare books, antique silver, porcelains, rare glass, and bric-a-brac), jewelry, watches, necklaces, bracelets, gems, precious and semi-precious stones, articles of gold, silver, platinum and furs and any article containing fur which represents its principal value.

* * * * *

d. At the *Property Not Covered* section, paragraph F is revised to read as follows:

* * * * *

F. Enclosures, contents, machinery, building equipment and fixtures below the lowest elevated floor of an elevated building: finished basement walls, floors, ceilings and other improvements to areas enclosed by foundation walls located entirely or partially below ground, and contents, machinery, building equipment and fixtures in such areas; except that, as to this subsection (10), coverage is provided in such areas for oil tanks, furnaces, hot water heaters, washers, dryers, air conditioners, heat pumps, electric junction and circuit breaker boxes, and related electrical connections servicing the building.

* * * * *

e. At the *Property Not Covered* section, paragraph H is revised to read, as follows:

* * * * *

H. On and after October 1, 1982, a mobile home located or placed within a FEMA designated Special Flood Hazard Area that is not affixed to a permanent site (anchored) to resist flotation, collapse, or lateral movement by providing over-the-top frame ties to ground anchors or that otherwise does not meet the community's flood plain management requirements, unless it is a mobile home on a foundation continuously insured at the same site by the National Flood Insurance Program, at least since September 30, 1982.

* * * * *

f. In the *Property Not Covered* section, new paragraph K, is added, as follows:

* * * * *

K. A building, and its contents, newly constructed or substantially improved on or after October 1, 1983, in an area designated as an undeveloped coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348).

* * * * *

g. The section entitled *Deductibles is* revised to read as follows:

Deductibles

A. With respect to loss to the building and debris removal covered hereunder, the insured shall be liable for only that portion of the loss in any one occurance which is in excess of $500.00.

B. With respect to loss to contents, and debris removal covered hereunder, the insurer shall be liable for only that portion of the loss is any one occurrence which is in excess of $5,000.00.

C. The amount of the deductible in "A" and "B", above is $3,000.00 or $500.00 in the event the Insured has elected, when purchasing this policy, to have such a deductible.

D. In the case of reasonable expenses incurred in the removal of an insured mobile home or personal property from the insured premises away from the peril of flood, the amount of the deductible shall be $50.00.

* * * * *

h. In the section entitled *General Conditions and Provisions*, paragraph B. Concealment, Fraud is revised to read:

* * * * *

B. Concealment Fraud: This entire policy shall be void and no renewal nor new flood insurance coverage can be issued to the Insured if, whether before or after the loss, the Insured has willfully concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof, or the interest of the Insured therein, or in case of any fraud or false swearing by the Insured relating thereto (see "E", below). In addition, this entire policy shall be void if the Insured has misstated any fact, whether intentionally or not, on a "Recertification Questionnaire, which causes the Insurer to issue a policy to the Insured based on a premium amount which is less than the premium amount which would have been payable by the Insured if it were not for the misstatement of fact (see "G", below).

* * * * *

i. In the section entitled *General Conditions and Provisions*, in paragraph J. Policy Renewal, the following new paragraphs are added to the end thereof:

* * * * *

Commencing January 1, 1978, and during any consecutive ten year period thereafter, if the property has, at the property address, sustained more than one flood, the total policy premium, upon application for or renewal of the policy after the second flood, shall be 10¢ per hundred dollars of insurance above the otherwise applicable insurance manual premium in effect as of the effective date of the new or renewal policy and, if the property has sustained more than two floods, the total policy premium shall be 20¢ per hundred dollars of insurance above the otherwise applicable premium in effect as of the effective date of the new or renewal policy. As a condition for the renewal of this policy, the Insured must, once every three years from its inception, re-certify, on a Recertification Questionnaire provided by the Insurer, the rating information contained on the Insured's most recent application for or renewal of insurance.

Notwithstanding the above mentioned responsibility of the Insured to submit the appropriate renewal premium in sufficient time to permit its receipt by the NFIP prior to the expiration of the policy being renewed, the Insurer has established a business procedure for mailing renewal notices to assist Insureds in meeting their responsibility. Regarding the Insurer's business procedure, evidence of the placing of any such notices into the U.S. Postal Service, addressed to the Insured at the address appearing on the Insured's most recent application or other appropriate form (received by the NFIP prior to the mailing of the renewal notice by the Insurer), does, in all respects, for purposes of the NFIP presumptively establish delivery to the Insured for all purposes irrespective of whether the Insured actually received the notice. However, in the event that the Insurer determines that through any circumstances, any renewal notice was not placed into the U.S. Postal Service, or, if placed, was prepared or addressed in a manner which the Insurer determines could preclude the likelihood of it being actually and timely received by the Insured prior to the due date for the renewal premium the following procedures shall be followed:

In the event that the Insured or his agent notifies the Insurer, not later than one year after the date on which the payment of the renewal was due, of a non-receipt of a renewal notice prior to the due date for the renewal premium, which the Insurer determines was attributable to the above circumstances, the Insurer shall mail a second bill providing a revised due date, which shall be thirty days after the date on which the bill is mailed. If the renewal payment is received by such revised due date, the policy shall be renewed as of the date on which the prior policy would have expired. If the renewal payment requested by reason of the second bill is not received by the revised due date, no renewal shall occur and the policy shall remain an expired policy as of the expiration date prescribed on the policy.

* * * * *

j. In the section entitled *General Conditions and Provisions*, in paragraph L. Mortgagee Clause, the first paragraph is revised to read as follows:

* * * * *

L. Mortgagee Clause (Applicable to building items only and effective only when policy is made payable to a mortgagee (or trustee) named in the application and declaration form attached to this policy or of whom the Insurer has actual notice prior to the payment of loss proceeds under this policy):

* * * * *

k. In the section entitled *General Conditions and Provisions*, in paragraph O. Requirements in Case of Loss, add the following paragraph at the end thereof:

* * * * *

The Insurer may, at its option, waive the requirement for the completion and filing of a Proof of Loss in certain cases, in which event the Insured will be required to sign and, at the Insurer's option, swear to an adjuster's report of the loss which includes information about the loss and the damages needed by the Insurer before the loss can be adjusted.

Any false statements made in the course of presentment of a claim under this policy may be punishable by fine or imprisonment under the applicable Federal laws.

* * * * *

l. In the section entitled *General Conditions and Provisions*, in paragraph R. Abandonment, and the following to the end thereof:

* * * * *

However, the Insurer may permit the Insured to keep damaged, insured property ("salvage") after a loss and reduce the amount of the loss proceeds payable to the Insured under the policy by the value of the salvage.

* * * * *

m. In the section entitled *General Conditions and Provisions*, paragraph S. When Loss Payable is revised to read as follows:

* * * * *

S. When Loss Payable: The amount of loss for which the Insurer may be liable shall be payable 60 days after proof of loss, or 90 days after an adjuster's report in lieu of a proof of loss, as herein provided, is received by the Insurer and ascertainment of the loss is made either by agreement between the Insured and the Insurer expressed in writing or by the filing with the Insurer of an award as herein provided.

* * * * *

(National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1958), 42 U.S.C. 4001–4128; Reorganization Plan No. 3 of 1978 (43 FR 4193), E.O. 12127, dated March 31, 1979 (44 FR 19367) E.O. 11988, dated May 24, 1977 and 44 CFR 9, Delegation of Authority to Federal Insurance Administrator)

Issued at: Washington, D.C., April 1, 1983.

Jeffrey S. Bragg,

Federal Insurance Administrator.

[FR Doc. 83-8953 Filed 4-7-83; 8:45 am]

BILLING CODE 6718-01-M

Notices

Federal Register
Vol. 48, No. 69
Friday, April 8, 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

Cooperative State Research Service

Technical Advisory Committee for Science and Education Research Grants Program; Subcommittee for Soybean Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, of October 6, 1972, 86 Stat. 770–776), the United States Department of Agriculture announces the following closed meeting:

Name: Subcommittee for Soybean Research of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and time: May 17 and 18, 1983, Tuesday—8:00 a.m. to 5:30 p.m.; Wednesday—8:00 a.m. to 12:00 noon.

Place: United States Department of Agriculture, Room 6431, South Building, 14th Street and Independence Avenue, Washington, D.C. 20250.

Type of meeting: Closed to the public.

Contact person: Charles B. Rumburg, Principal Agronomist, Manager, Soybean Special Grants Program, United States Department of Agriculture, Room 6431, South Building, Washington, D.C. 20250, Telephone: (202) 447–6074.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Soybean Research Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

Dated: April 4, 1983.

C. I. Harris,

Acting Administrator, Cooperative State Research Service.

[FR Doc. 83-9237 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-03-M

Technical Advisory Committee for Science and Education Research Grants Program; Subcommittee for Antidesertification Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, of October 6, 1972, 86 Stat. 770–776), the United States Department of Agriculture announces the following closed meeting:

Name: Subcommittee for Antidesertification Research of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and time: May 19 and 20, 1983, Thursday—8:00 a.m. to 5:30 p.m.; Friday—8:00 a.m. to 12:00 noon.

Place: La Quinta Motor Inn, Room 202, 3975 Peoria Way, Denver, Colorado 80239.

Type of meeting: Closed to the public.

Contact person: Charles B. Rumburg, Principal Agronomist, Manager, Antidesertification Special Grants Program, United States Department of Agriculture, Room 6431, South Building, Washinton, D.C. 20250, Telephone: (202) 447–6074.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Antidesertification Research Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

Dated: April 4, 1983.

C. I. Harris,

Acting Administrator, Cooperative State Research Service.

[FR Doc. 83-9236 Filed 4-7-83; 8:45 am]

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Food Safety and Inspection Service

[Docket No. 82-014N]

Organization, Functions and Delegations of Authority

Pursuant to the authority of the Administrator, Food Safety and Inspection Service, appearing at 7 CFR 2.55, the following Statement of Organization, Functions, and Delegations of Authority of Food Safety and Inspection Service is made:

I. Organization

Section 1. *General.* Food Safety and Inspection Service was originally created by the Secretary of Agriculture under the name Food Safety and Quality Service on March 14, 1977. It was renamed the Food Safety and Inspection Service. hereafter referred to as FSIS, on June, 19, 1981, incidental to a realignment of the functions of the Agency.

Section 2. *Central Office.* The central office of FSIS is located at Washington, D.C., and consists of the Office of the Administrator including the Associate Administrator, five Deputy Administrators, and four Staff Directors, as follows:

Office of the Administrator.
Administrator
Associate Administrator
Deputy Administrator, Meat and Poultry Inspection Operations
Deputy Administrator, International Programs
Deputy Administrator, Meat and Poultry Inspection Technical Services
Deputy Administrator, Science
Deputy Administrator, Administrative Management
Director, Information and Legislative Affairs Staff
Director, Policy and Program Planning Staff
Director, Review and Evaluation Staff
Director, Equal Employment Opportunity Staff

Section 3. *Field Organization.* The location of principal field offices is as follows for each major program:

Meat and Poultry Inspection Operations

Regional Operations, Regional Offices:
North Central: 607 East Second Street, Des Moines, IA 50316
Northeastern: 7th Floor, 1421 Cherry Street, Philadelphia, PA 19102
Southeastern: Room 216, 1718 Peachtree Street, NW., Atlanta, GA 30309
Southwestern: Room 5–F41, 1100 Commerce Street, Dallas, TX 75242

Western: Room 102, Building 2–C, 620 Central Avenue, Alameda, CA 94501

Compliance and Staff Operation, Field Office:

North Central: 855 Federal Building, 210 Walnut Street, Des Moines, IA 50309

Northeastern: Belzon II Building, 505 South Lenola Road, Moorestown, NJ 08057

Southeastern: Room 431, North Tower, 1720 Peachtree Street, NW., Atlanta, GA 30309

Southwestern: Room 5–F–33, 1100 Commerce Street, Dallas, TX 75242

Western: Room 111, Building 2-F, 620 Central Avenue, Alameda, CA 94501

Meat and Poultry Inspection Technical Services

MPI Data Center:

Data Services Center, 210 Walnut Street, Room 791, Des Moines, IA 50309

Program Training Division:

U.S. Post Office Building, P.O. Box 1608, Denton, TX 76201

Science

Field Service Laboratories:

Midwestern: Building 105, 4300 Goodfellow Blvd. (Mail: P.O. Box 5080) St. Louis, MO 63115

Eastern: Russell Research Center, College Station Road (Mail: P.O. Box 6085), Athens, GA 30604

Western: U.S. Appraisers Building, 630 Sansome Street (Mail: P.O. Box 2423), San Francisco, CA 94126

Division Laboratories:

Agricultural Research Center East, Beltsville, MD 20705

Chemistry Division:
- Chemistry Division Laboratory Branch, Building 318

Food Ingredient Assessment Division:
- Product Safety Branch, Building 306

Microbiology Division:
- Food Microbiology Branch, Building 322
- Medical Microbiology Branch, Building 322

Pathology and Epidemiology Division:
- Pathology Branch, Building 318–C
- Epidemiology Branch, Building 322
- Serological Testing Systems Branch, Building 318–C

Administrative Management

Field Office Branches:

Program Services Branch, Administrative Services Division

Personnel Operations Branch, Personnel Division

The above field offices are located at Butler Square West, 4th floor, 100 North 6th Street, Minneapolis, MN 55403.

Review and Evaluation Staff

Program Review Branch:

2400 31st Street, Lawrence, KS 66044

II. Functions

Section 4. *The Office of the Administrator.*

(a) *The Administrator.* The Administrator of FSIS, under the direction of the Assistant Secretary for Marketing and Inspection Services, formulates, directs, and supervises the execution of FSIS policies, programs, and activities. The Administrator is authorized to take any action, execute any document, authorize any expenditure, promulgate any rule, regulation, order, or instruction, required by or authorized by law and deemed by the Administrator to be necessary and proper to the discharge of the functions assigned to FSIS, and to delegate and provide for redelegation of authority to appropriate officers and employees consistent with, and with due regard to the continuing responsibility for the proper discharge of delegations made by the Administrator. Delegations and provisions for redelegation are stated in Sections 14 through 20.

(b) *The Associate Administrator.* The Associate Administrator shares overall responsibility with the Administrator for the general direction and supervision of the programs and activities assigned to FSIS, and is authorized to act for the Administrator in performing all functions for which the Administrator is responsible.

(c) *The Deputy Administrator, Meat and Poultry Inspection Operations.* The Deputy Administrator, Meat and Poultry Inspection Operations (MPIO), is responsible for:

(1) Participating with the Administrator and other Agency officials in the planning and formulation of policies, programs, and activities of FSIS oriented to the Nation's agricultural and consumer protection needs.

(2) Planning, providing leadership, formulating and coordinating policies and directing the administration of MPIO programs and activities to assure that meat and poultry products moving in interstate and intrastate commerce are wholesome and not adulterated or misbranded.

(3) Implementing regulations pursuant to laws relating to meat and poultry inspection.

(4) Assessing the effectiveness of State inspection programs to assure that standards at least equal to those under the Federal Acts are applied to meat and poultry plants under State jurisdiction.

(5) Conducting a national emergency operations program in situations where meat and poultry products are contaminated with drug or chemical residues, other adulterants or microbial contamination that would require the recall of affected products.

(6) Providing surveillance and enforcement of the Acts in the out-of-plant distribution channels for meat and poultry products and the issuance of letters of warning to parties regarding violations.

(7) Coordinating activities and providing guidance and expertise in the implementation of the Equal Employment Opportunity Program.

These activities are carried out by three functional units: The Regional Operations, the Compliance and Staff Operations, and the Program Management Support Staff. The Regional Operations activities are carried out through the Inspection Coordination Staff and five Regional Offices.

(d) *The Deputy Administrator, International Programs.* The Deputy Administrator, International Programs, is responsible for:

(1) Participating with the Administrator and other Agency officials in planning, formulating, and implementing policies, programs, and activities of FSIS to assure the wholesomeness of imported meat and poultry products and to maintain a favorable trade picture for U.S. products in foreign markets.

(2) Reviewing foreign inspection systems and plants that export meat and poultry to the United States to assure compliance with applicable Federal rules and regulations.

(3) Implementing foreign government's inspection requirements and procedures with a view toward enhancing access to foreign markets for U.S. meat and poultry products.

(4) Aiding representation of U.S. interests within the European Economic Community.

These activities are carried out by two functional units: The Foreign Programs Division and Export Coordination Division.

(e) *The Deputy Administrator, Meat and Poultry Inspection Technical Services.* The Deputy Administrator, Meat and Poultry Inspection Technical Services (MPITS), is responsible for:

(1) Participating with the Administrator in the planning and formulation of policies and programs for the effective direction of FSIS programs.

(2) Providing technical guidance and support for FSIS.

(3) Assessing the food safety and public health implications of agricultural practices and emerging scientific and technological changes.

(4) Developing procedures and methods for conducting inspection of livestock, poultry, and their processed products.

(5) Coordinating the establishment of industry operating requirements needed to produce wholesome carcasses of livestock and poultry and processed meat and poultry products.

(6) Coordinating the establishment of regulatory criteria for determining the disposition of livestock, poultry, and their carcasses and the wholesomeness of processed meat and poultry.

(7) Determining acceptable methods for the conduct of humane slaughter.

(8) Developing proceduers for maintaining product security and control of condemned and inedible materials.

(9) Coordinating field testing of new or revised procedures.

(10) Developing, modifying, and updating work standards to incorporate revised procedures and new technology.

(11) Conducting a comprehensive program of information resources management (IRM) services and technical support for domestic and foreign meat and poultry inspection.

(12) Developing facility, equipment, and sanitary requirements and criteria for meat and poultry regulatory programs.

(13) Approving new construction, plant modification, and equipment for meat and poultry plants subject to regulatory control.

(14) Preparing environmental considerations for regulatory programs and employee safety.

(15) Conducting technical training of personnel engaged in the inspection of meat and poultry.

(16) Developing meat and poultry standards.

(17) Developing labeling policy.

(18) Reviewing all labels for approval.

(19) Coordinating activities and providing leadership, assistance, guidance, and expertise in the implementation of the Equal Employment Opportunity Program.

These activities are carried out by seven functional units: The Facilities, Equipment, and Sanitation Division, Industrial Engineering and Data Management Division, Processed Products Inspection Division, Program Training Division, Slaughter Inspection Standards and Procedures Division, Standards and Labeling Division, and Technology Assessment Division.

(f) *The Deputy Administrator, Science.* The Deputy Administrator, Science, is responsible for:

(1) Providing FSIS with scientific guidance and support in chemistry, epidemiology, microbiolgy, pathology, toxicology, nutrition, parasitology, and mathematics and statistics.

(2) Developing and maintaining close ties with national and international scientific laboratories and communities in order to keep abreast of scientific and technological advances and to open new avenues for the exchange of scientific information.

(3) Participating with other components of FSIS in developing and reviewing policies and procedures relating to FSIS programs.

(4) Coordinating nutrition activities for FSIS.

(5) Operating a food-borne hazard reporting system.

(6) Identifying recommending, and coordinating the establishment and conduct of appropriate research projects.

(7) Operating the FSIS regulatory field service laboratories to support program needs.

(8) Evaluating the chemical safety of direct and indirect food additives for use in meat and poultry products.

(9) Developing an overall approach to control residues occurring in the meat and poultry supply so that the incidence and levels of toxic compounds present are held to the absolute minimum.

(10) Coordinating activities and providing guidance and expertise in the implementation of the Equal Employment Opportunity Program.

These activities are carried out by seven functional units: The Chemistry Division, Field Service Laboratories Division, Food Ingredient Assessment Division, Mathematics and Statistics Division, Microbiology Division, Pathology and Epidemiology Division, and Residue Evaluation and Planning Division.

(g) *The Deputy Administrator, Administrative Management.* The Deputy Administrator, Administrative Management, is responsible for:

(1) Participating with the administrator in the planning and formulation of policies and programs for the effective direction of FSIS programs.

(2) Providing administrative management services including finance, personnel, administrative services, labor-management relations, and budget planning and evaluation to meet FSIS needs.

(3) Participating with other components of FSIS in developing and reviewing policy and procedures, long-range planning and forecasting, annual workplans, and evaluations relating to FSIS programs.

(4) Planning, providing leadership, formulating and coordinating policies, and directing the following administrative management services to be provided for all organizational segments of FSIS: Budget formulation presentation, and execution; financial analysis; personnel administration and position management; management of materiel procurement, real and personal property, and office services; and organizational review, analysis, and response.

(5) Administering the execution of cooperative agreements and Master Memoranda of Understanding, all agreements between FSIS and other agencies, and all servicing agreements.

(6) Assuring the implementation of national, Department, and FSIS administrative management policies, program goals, and objectives.

(7) Providing leadership to the management of the Safety and Health Program and serving as the designated Safety and Health official.

(8) Coordinating activities and providing leadership, assistance, guidance, and expertise in the implementation of the Equal Employment Opportunity Program.

These activities are carried out by five functional units: The Administrative Services Division, Budget, Planning and Evaluation Division, Finance Division, Labor Management Relations Staff, and Personnel Division.

(h) *The Director, Information and Legislative Affairs Staff.* The Director, Information and Legislative Affairs Staff, under the direction and supervision of the Administrator, is responsible for:

(1) Participating with the Administrator on Agency policy discussions.

(2) Advising the Administrator on information policy and the public information implications of Agency actions.

(3) Serving as liaison to the media, keeping the press informed of FSIS actions, and handling media inquiries. Advising the Administrator of media interest in the Agency's policies.

(4) Planning, coordinating, conducting, and supervising FSIS public information and education activities.

(5) Implementing consumer information and education activities as required by E.O. 12160.

(6) Developing and implementing public participation plans.

(7) Providing information services to the Office of the Administrator and to the Office of the Secretary, as required.

(8) Maintaining liaison with the Office of Governmental and Public Affairs on current information matters and the production of all printed broadcast and visual materials.

(9) Advising and assisting the Administrator and other Agency officials on all matters relating to legislative bills and correspondence.

(10) Maintaining liaison with appropriate congressional committees regarding Agency policies and programs.

(11) Establishing and maintaining a system for the management, control, and timely response to public, congressional

and other legislative inquiries, either oral or written.

(12) Coordinating development of Agency legislative plans.

(13) Coordinating Agency responses to all legislative proposals.

(14) Promoting the Agency Equal Employment Opportunity Program.

These activities are carried out by three functional units: The Public Awareness Office, Information Office, and Legislative Affairs Office.

(i) *The Director, Policy and Program Planning Staff.* The Director, Policy and Program Planning Staff, under the direction and supervision of the Administrator, is responsible for:

(1) Implementing the requirements for the Agency contained in Executive Order 12291 and the Regulatory Flexibility Act.

(2) Conducting policy studies for the Administrator.

(3) Designing and operating the Agency-wide program planning system.

(4) Developing functional plans for Agency activities.

(5) Operating the Agency-wide workplan for the development of regulations.

(6) Assisting in the development of regulations and coordinating necessary reviews and approvals for publication in the **Federal Register.**

(7) Operating the office of the Agency's Hearing Clerk.

(8) Planning and coordinating Agency Freedom of Information and Privacy Act functions.

(9) Managing the FSIS Information Processing Center.

(10) Promoting the Agency Equal Employment Opportunity Program.

(11) Coordinating and providing technical support to the FSIS computer systems.

(12) Coordinating staff support for the Agency's Information Resources Management Review Board (IRMRB).

(13) Coordinating all FSIS emergency preparedness functions.

These activities are carried out by four functional units: The Policy Analysis Office, Regulations Office, Emergency Planning Office, and Executive Secretariat.

(j) *The Director, Review and Evaluation Staff.* The Director, Review and Evaluation Staff, under the direction and supervision of the Administrator, is responsible for:

(1) Developing systems, criteria, and procedures for conducting evaluations of the effectiveness of FSIS program operations.

(2) Conducting systematic, on-site monitoring of FSIS program uniformity and effectiveness.

(3) Conducting special studies and analyses of FSIS program operations.

(4) Analyzing, summarizing, and reporting results of reviews and studies and making recommendations.

(5) Performing inquiries, reviews, and interviews, as assigned by the Administrator, in cases requiring independent factgathering.

(6) Divising FSIS plans to eliminate abuse and waste in program operations and improve program integrity.

(7) Developing and maintaining contacts with appropriate review and evaluation groups inside and outside the Department.

(8) Providing support to the Administrator's office on liaison matters with the Office of the Inspector General on audits and with the General Accounting Office.

(9) Promoting the Agency Equal Employment Opportunity Program.

These activities are carried out by three functional units: The Speical Projects Office, Analysis and Evaluation Office, and Program Review Office.

(k) *The Director, Equal Employment Opportunity Staff.* The Director, Equal Employment Opportunity Staff, under the direction and supervision of the Administrator, is responsible for:

(1) Analyzing the status of the FSIS EEO program.

(2) Developing and recommending specific actions designed to assure equal employment opportunity within FSIS to line management officials for their implementation.

(3) Keeping the Administrator, FSIS and top staff officials informed on progress and problems in the Agency's EEO Program (identifying EEO problems, recommending workable solutions, and coordinating the implementation of the solutions for the problems).

(4) Reviewing proposed changes in Agency policies which affect personnel to determine whether these proposed changes will have an impact on the employment of minorities and women.

(5) Seeing that all eligible employees are informed of the Department's Upward Mobility Program and that training plans for employees selected for the Program are implemented on schedule.

(6) Participating with the FSIS Personnel Division and the Deputy EEO officers in developing formal Agency-run Upward Mobility Programs.

(7) Evaluating the EEO activities of subordinate organizational levels (regions, States, offices, or divisions depending on the Agency organization).

(8) Informing managers, supervisors, and employees of their rights and responsibilities under the EEO Program.

(9) Formulating, developing, and preparing directives and regulations on EEO for FSIS.

(10) Maintaining an FSIS EEO Committee which is representative of the workforce, arranging meetings of the Committee members to set projects for the Committee, and following up on the implementation of the Committee's recommendations.

(11) Meeting regularly with the FSIS Federal Women's Program Manager and the Hispanic Employment Program Manager.

(12) Developing projects jointly for the Agency and field FWP and Hispanic Program managers and combining the efforts in these special emphasis areas into the total EEO Program.

(13) Coordinating and reviewing the transmission of formal EEO complaints to the Director of EEO within 5 days. Following up with the appointed FSIS representative to see that an attempt to informally resolve the EEO complaint takes place within 10 days after receipt of the investigation report. Assuring that a proposed disposition of each EEO complaint is prepared within 15 days after receipt of the report on the attempt at informal resolution.

(14) Clearing matters of EEO policy with the EEO Staff in the Office of Personnel.

(15) Serving as the Civil Rights Coordinator for the Title VI Program providing leadership, direction, technical assistance, and training for Agency officials and States' inspection programs in the area of Civil Rights enforcement and compliance activities.

(16) Reviewing Civil Rights policies, regulations, and compliance reviews for legal applicability.

(17) Conducting compliance reviews and providing liaison with USDA's Office of Minority Affairs on Civil Rights complaints and compliance.

Section 5. *Meat and Poultry Inspection Operations.* The Regional Operations, Compliance and Staff Operations, and Program Management Support Staff, under direction of the Deputy Administrator for Meat and Poultry Inspection Operations, are responsible as follows:

(a) *Regional Operations.* Regional Operations is carried out by the Inspection Coordination Staff at headquarters and the Regional Offices in the field.

(1) *Inspection Coordination Staff.* The Inspection Coordination Staff is responsible for:

(i) Participating with the Assistant Deputy Administrator, Regional Operations, in the planning and

formulation of policies and programs of the inplant inspection activities.

(ii) Providing technical direction and coordinating field inspection activities for the inspection of meat, poultry, and related products involving:

—Ante-mortem and post-mortem inspection;
—Processed products inspection;
—Import/export products inspection;
—Control of inedible and condemned products;
—Security requirements to maintain integrity of products;
—Moisture control; and
—Humane slaughter.

(iii) Coordinating the implementation of new or revised inspection procedures.

(iv) Conducting correlation programs for livestock and poultry disposition, import/export inspection, and processed products inspection.

(v) Serving as the program's representative in the resolution of industry appeals which have been elevated to the national level.

(vi) Investigating special or unusual problems and recommend corrective action.

(vii) Participating with the Assistant Deputy Administrator, Regional Operations, in the maintenance of effective communication with the American Federation of Government Employees (AFGE), National Association of Federal Veterinarians (NAFV), and Association of Technical and Supervisory Professionals (ATSP).

(2) *Regional Offices.* The Regional Offices are responsible for:

(i) Planning, providing leadership, and coordinating Regional Operations programs and activities within the region (comprising several States) for the inspection of meat, poultry, and related products involving:

—Ante-mortem and post-mortem inspection;
—Processed products inspection;
—Control of inedible and condemned products;
—Security requirements to maintain integrity of products;
—Moisture control;
—Humane slaughter;
—Application of criteria and findings relating to plant approval, facilities, equipment, sanitation, labeling, marking, packaging, pathology, microbiology, toxicology, chemistry, residues, water, and blueprints.

(ii) Granting, refusing, suspending, and recommending withdrawal of inspection service to meat and poultry establishments within the regions in accordance with applicable provisions of the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended.

(iii) Providing voluntary meat and poultry inspection and certification services relating to wholesomeness of edible products not subject to the Federal meat inspection laws and certification of meat and poultry products for use as food for dogs, cats, and other carnivora.

(iv) Directing, coordinating, and integrating the activities of subordinate area offices which are responsible for the Federal meat and poultry inspection programs in one or more States.

(v) Negotiating and administering a regionwide agreement with the regional AFGE officials.

(b) *Compliance and Staff Operations.* Compliance and Staff Operations is carried out by the Compliance Division, Federal-State Relations Staff, and Emergency Programs Staff.

(1) The Compliance Division is responsible for:

(i) Participating with the Assistant Deputy Administrator, Compliance and Staff Operations, in the development of Division policy for FSIS enforcement programs to promote compliance with and enforce laws and regulations.

(ii) Conducting comprehensive, systematic compliance programs to monitor all types of businesses engaged in marketing and distribution of food products, and prevent violations of laws and regulations.

(iii) Detecting and documenting violations of laws and regulations, and referring reports of findings to appropriate officials for action.

(iv) Taking appropriate administrative action to control products in violation of laws and regulations.

(v) Assisting States in the development of compliance programs for intrastate products and businesses, and monitoring State compliance programs to assure they meet Federal requirements.

(vi) Developing and maintaining contacts with appropriate enforcement groups inside and outside the Department.

(vii) Participating in design of operating compliance systems, methods, guidelines, and procedures for enforcing laws and regulations.

(viii) Providing guidance and direction to Field Officers-in-charge who directly supervise field compliance officers.

(2) The Federal-State Relations Staff is responsible for:

(i) Participating with the Assistant Deputy Administrator, Compliance and Staff Operations, in the planning and formulation of policies and programs of MPIO as they relate to Federal-State and industry relations.

(ii) Planning, organizing, directing, controlling, and coordinating FSIS cooperative activities with States and other Government agencies.

(iii) Establishing programs or projects to insure that States receive technical and advisory assistance necessary to develop, maintain and administer State meat/poultry inspection systems at least equal to Federal inspection under equal State laws and regulations.

(iv) Coordinating, reviewing, and analyzing the results of surveys of State meat/poultry inspection programs. Requesting special surveys and reviews as necessary.

(v) Conferring with officials of State and local inspection systems and trade members; and developing and recommending improvements in service, economies in operation, and new procedures within approved policy.

(vi) Acting in a liaison role with Compliance as it pertains to State programs involving that portion of the Federal Meat Inspection Act and the Poultry Products Inspection Act related to intra/interstate allied industries.

(vii) Planning, directing, and coordinating FSIS' health and safety programs. Collecting and disseminating data to the Assistant Deputy Administrator, and regional offices pertaining to the accidents, injuries, and health problems effecting personnel. Participating in developing training courses in safety and health for supervisors and managers within the program.

(3) The Emergency Programs Staff is responsible for:

(i) Participating with the Assistant Deputy Administrator, Compliance and Staff Operations, in the planning and formulation of policies and programs for emergency program activities.

(ii) Serving as the focal point within FSIS for reporting all contamination problems identified by MPIO personnel (domestic and import), other Federal and State Government Agencies and industry officials.

(iii) Directing the FSIS Contamination Response System (CRS) team, which provides expertise in resolving emergency contamination problems, and provides guidance to field inspection personnel in determining the critical nature of contamination situations.

(iv) Performing pre-emergency planning and develop contingency actions for new standards, regulations, and guidelines which direct the administration of programs involving contaminants and other types of residues in meat and poultry products.

(c) *Program Management Support Staff.* The Program Management Support Staff is responsible for:

(1) Participating with the Deputy and Assistant Deputy Administrators, MPIO, in the planning and formulation of administrative and analytical activities.

(2) Conducting a resource planning, analysis, and allocation program of MPIO's assigned and required dollars and develop improved systems for overseeing the use of financial resources.

(3) Conducting a resource planning, analysis, and allocation program of MPIO's assigned and required human resources and develop improved systems for overseeing the use of human resources.

(4) Coordinating the development of MPIO's operating alternatives and strategies to maximize the utilization of assigned resources.

(5) Administering MPIO's incentive awards program.

(6) Conducting a program and management analysis program to assess the effectiveness and efficiency of MPIO operations, and recommend improvements.

(7) Providing general management advisory assistance and service to MPIO officials.

(8) Carrying out staff responsibilities and objectives through the following functional areas:

—Financial Analysis;
—Program/Management Analysis;
—Administrative Services;
—Incentive Awards.

Section 6. *International Programs.* The Foreign Programs Division and Export Coordination Division, under direction of the Deputy Administrator for International Programs, are responsible as follows:

(a) *Foreign Programs Division.* The Foreign Programs Division is responsible for:

(1) Participating with the Deputy Administrator, International Programs, and the MPIO, as well as the various divisions of Science in the planning and formulation of policies, programs, and activities of Foreign Programs Division.

(2) Planning, providing leadership, and administering activities required in conducting the import inspection of meat and poultry products for entry into U.S. commerce.

(3) Planning, providing leadership, and administering the requirements with respect to imported meats and poultry expressed in Section 20 of the Federal Meat Inspection Act and Section 17 of the Poultry Products Inspection Act. This includes the determination by continuing direct reviews that the system of meat and/or poultry inspection in foreign countries is carried out in plants preparing product for export to the United States, ensuring compliance with requirements at least equal to all provisions of the Acts and regulations applied in the United States.

(4) Preparing the annual calendar year report by the Secretary to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the administration of Section 20 of the Federal Meat Inspection Act.

(5) Coordinating and communicating with the State Department and the Department's Foreign Agricultural Service with respect to the implications and effects of Foreign Programs actions on foreign trade interests of the Department and State Department responsibilities and interests.

(6) Providing policy and staff guidance to import inspection activities carried out under regional and area offices of MPIO.

(7) Supervising, directing, coordinating, and integrating activities of area supervisors.

(b) *Export Coordination Division.* The Export Coordination Division is responsible for:

(1) Participating with the Deputy Administrator, International Programs and in the planning and formulation of policies, programs, and activities of Export Coordination Division.

(2) Planning, providing leadership and administering activities required in conducting inspection and certification of meat and poultry products proposed for export in foreign commerce.

(3) Providing policy and staff guidance to export inspection and certification activities including certification of U.S. plant eligibility for export to foreign countries carried on under regional and area offices of Inspection Operations.

(4) Coordinating and communicating with the State Department and USDA's Foreign Agricultural Service with respect to the implications and effects of Export Coordination Division actions on foreign trade interests of USDA and State Department responsibilities and interests.

(5) Coordinating and implementing foreign inspection requirements and procedures with a view toward enhancing access to foreign markets for U.S. meat and poultry products. Obtaining understanding of the exact requirements of each country through interchanges with foreign officials.

(6) Reconciling differences of requirements between the U.S. and foreign government inspection programs with U.S. industry organizations on these differences as well as assisting individual plant management in meeting foreign requirements.

Section 7. *Meat and Poultry Inspection Technical Services.* The Facilities, Equipment, and Sanitation Divison, Industrial Engineering and Data Management Division, Processed Products Inspection Division, Program Training Division, Slaughter Inspection Standards and Procedures Division, Standards and Labeling Division and Technology Assessment division, under direction of the Deputy Administrator for MPITS, are responsible as follows:

(a) *Facilities, Equipment, and Sanitation Division.* The Facilities, Equipment, and Sanitation Division is responsible for:

(1) Developing standards and procedures for the preparation, submission, and evaluation of information regarding the sanitary environment and drawings of facilities and equipment.

(2) Developing sanitary design, construction, placement, maintenance, and operational standards, regulations, and procedures for establishment premises, facilities, equipment, product, and personnel.

(3) Reviewing information and drawings to determine if sanitary principles are being applied to facilities and equipment.

(4) Developing inspectional controls to monitor adherence to sanitary standards and the development of plans to implement standards in the field.

(5) Directing field testing of new or modified facilities, equipment, and sanitary techniques.

(6) Assuring the safety of inspection personnel regarding the layout of facilities.

(7) Interacting with other divisions in developing standards for sanitation, equipment, and facilities for new automated processing equipment and new plant layouts that may be needed to accommodate automated equipment or inspection procedures.

(8) Acting as a consulting authority to other organizations within FSIS on matters pertaining to sanitation, facilities, equipment, energy, and natural resource saving problems.

(9) Acting as a liaison between industry and other FSIS programs regarding matters pertaining to sanitation, facilities, equipment, and energy savings.

(10) Developing the principles and encouraging application of USDA acceptable practices that will conserve energy and natural resources.

(b) *Industrial Engineering and Data Management Division.* The Industrial Engineering and Data Management Division is responsible for:

(1) Formulating and implementing policies and practices pertaining to industrial engineering and data management activities of the meat and poultry inspection programs.

(2) Developing and directing an interrelated management engineering system designed to provide work standards and forecasting criteria for determining workload based staffing requirements.

(3) Designing and applying productivity indicators and other appropriate measures of inspection program accomplishments.

(4) Planning, instituting, and directing an integrated IRM activity for all levels of FSIS. This includes developing and presenting IRM plans and budgets.

(5) Organizing and coordinating the design and approval of IRM systems.

(6) Advising the Deputy Administrator on all technical IRM matters and serve as the liaison for IRM system standardization, resource utilization, and policy recommendations that span FSIS organizational lines.

(7) Providing leadership and assistance to FSIS managers on IRM systems. This includes computer systems design and improvement.

(8) Providing for the access and retrieval of automated information in response to requests from FSIS, USDA, and other public and private organizations.

(9) Performing studies and analyses of program operations using scientific management methods and techniques.

(c) *Processed Products Inspection Division.* The Processed Products Inspection Division is responsible for:

(1) Developing objective inspection procedures—sampling plans, methods, and techniques for use by inspectors to determine compliance with product standards, regulations, manual of instruction and policy.

(2) Reviewing and approving acceptable plant operated process control procedures designed to maintain compliance with product standards, regulations, manual of instruction and policy, and developing plant control procedures for plants that lack the capability of developing their own procedure.

(3) Serving as subject matter experts to the Program Training Division to aid the training staff with lesson plan development for training in process control of processed products.

(4) Developing new and revising meat and poultry regulations and inspection instructions.

(5) Developing inspection systems for imported products.

(6) Developing frequency of inspection monitoring of approved plant-operated process control procedures.

(7) Conducting studies and establishing acceptable levels for defects and product constituents.

(8) Maintaining central control over plant operated process control procedures.

(9) Evaluating application of quality control programs and other processed product inspectional techniques with the goal of improvement in future programs.

(d) *Program Training Division.* The Program Training Division is responsible for:

(1) Participating with the Deputy Administrator, MPITS, in the development, planning, and implementation of all training and professional development programs.

(2) Providing consultation and advice in all areas of performance, as it relates to program mission.

(3) Providing consultation and training to foreign governments, State and local jurisdictions, and other Federal agencies in the area of technical training systems.

(4) Correlating professional, executive, and managerial training development and implementation with the Deputy Administrator, Administrative Management.

(5) Conducting ongoing research and development in the area of performance in the technical area.

(6) Keeping abreast of and incorporating the latest developments in the areas of training and development technology.

(7) Providing the development and delivery of performance problem solutions.

(e) *Slaughter Inspection Standards and Procedures Division.* The Slaughter Inspection Standards and Procedures Division is responsible for:

(1) Developing and implementing standards for:

(i) Humane methods of handling and slaughtering livestock.

(ii) Dispositions of livestock and poultry with disease conditions.

(iii) Acceptable quality levels for livestock and poultry carcasses and parts.

(iv) Water pickup in poultry and livestock carcasses and parts during chilling.

(v) Denaturing, decharacterizing, and otherwise controlling inedible and condemned meat and poultry carcasses and parts produced during slaughtering and allied operations.

(2) Designing, developing, and implementing procedures for:

(i) Insuring the humane handling and slaughtering of livestock.

(ii) Ante-mortem and post-mortem inspection of livestock and poultry for disease conditions.

(iii) Reinspection of livestock and poultry carcasses and parts.

(iv) Controlling water pickup in poultry and livestock carcasses and parts during chilling.

(v) Controlling inedible and condemned meat and poultry carcasses and parts produced during slaughtering and allied operations.

(3) Advising and assisting MPIO and official establishments in the design and implementation of quality control programs to meat inspection standards for dressing defects and water pickup during chilling of meat and poultry carcasses and parts. Reviewing and approving such quality control programs and/or advising Meat and Poultry Inspection Operations officials qualified for this duty.

(4) Preparing draft regulations and inspection guidelines, and rendering advice and interpretation with respect to ante-moretem and post-mortem inspection standards and procedures.

(5) Operating an Animal Disease Reporting System for the purpose of developing data used to design effective and labor efficient inspection procedures, and to provide animal disease information to State and Federal health authorities, livestock producer associations, and universities.

(f) *Standards and Labeling Division.* The Standards and Labeling Division is responsible for:

(1) Participating with the Deputy Administrator, MPITS, in the formulation of policies relative to truthful and informative labeling.

(2) Developing meat and poultry product standards to specify meat content and/or usual ingredients.

(3) Developing criteria and programs to assure uniform application of product standards to meat and poultry product labels.

(4) Developing, implementing, and auditing a system for the review of all meat and poultry product labels.

(5) Conducting reviews to assure that products are formulated with safe and suitable ingredients.

(6) Developing rules to permit or restrict the uses of various food additives.

(g) *Technology Assessment Division.* The Technology Assessment Division is responsible for:

(1) Developing sources and the procedures for the gathering of scientific, technical, industrial, and program information that will impact not only on the program, but also the meat and poultry industries.

(2) Evaluating and reporting the impact of such information on the program and industries.

(3) Storing and indexing pertinent information.

Section 8. *Science.* The Chemistry Division, Field Service Laboratories Division, Food Ingredient Assessment Division, Mathematics and Statistics Division, Microbiology Division, Pathology and Epidemiology Division, and Residue Evaluation and Planning Division, under direction of the Deputy Administrator for Science, are responsible as follows:

(a) *Chemistry Division.* The Chemistry Division is responsible for:

(1) Developing and improving economically feasible, analytical chemical methods for use in analyzing meat and poultry products in support of FSIS initiatives.

(2) Providing consultative and analytical services for collaborative studies, New Animal Drug Application (NADA) chemical methods, special studies and method validations in cooperation with other Federal agencies, State governments, and private sector laboratories.

(3) Providing technical expertise for proposals, contracts and Agency rulemaking as well as analytical and consultative support to other FSIS organizational units on matters related to chemical analysis, including chemical residues and food components.

(4) Managing a quality assurance program to assure acceptance of analytical chemical results generated by FSIS and private sector laboratories.

(5) Managing an Accredited Laboratory Program to assure the quality and integrity of results generated by the use of private sector laboratories which conduct chemical analyses for FSIS.

(6) Providing training for analysts in FSIS field laboratories, other Federal and State agencies, industry and foreign governments, in the conduct of analytical methods developed or used by FSIS.

(7) Participating with other Science Divisions in planning the effective use of chemical resources in the Field Service Laboratories and other Divisions of the Science Program.

(8) Conducting complex chemical analyses for the CRS, Emergency Programs Staff, consumer complaints and others when analytical expertise is not readily available.

(b) *Field Service Laboratories Division.* The Field Service Laboratories Division is responsible for:

(1) Directing the Agency's analytical services which are provided by the Field Service Laboratories in the disciplines of chemistry, microbiology, and pathology.

(2) Planning, scheduling, and coordinating an analytical program to:

—Determine the presence of food additives, the nutritional value of meat and poultry products, and economic fraud.

—Provide diagnostic services to identify disease, parasites and related conditions.

—Conduct microbiological investigations on the quality and safety of meat and poultry products.

—Support the FSIS field staff by onsite technical assistance in the area of microbiology and pathology.

(3) Scheduling analytical support for the FSIS residue monitoring and surveillance program which is designed to prevent meat and poultry containing illegal amounts of drug and chemical residues from entering commerce.

(4) Coordinating laboratory support for onsite reviews and quality assurance analyses for the Accredited Laboratory Program.

(5) Initiating and administering contract operations with State and private laboratories in support of the FSIS food chemistry program.

(6) Providing analytical support as needed to the Emergency Programs Staff including the CRS.

(c) *Food Ingredient Assessment Division.* The Food Ingredient Assessment Division is responsible for:

(1) Conducting expsure assessments, health and safety evaluations, and consumption studies on food ingredients, additives, and residues.

(2) Serving as an FSIS information source on nutrition and product safety related subjects.

(3) Recommending necessary research in nutrition and chemical safety and oversee the conduct of such research.

(4) Serving as leader in developing protocols for FSIS monitoring of meat and poultry ingredients and finished products for nutrients and additives.

(5) Developing recommendations for regulations, bulletins, and other documents to implement necessary Agency standards dealing with nutritional and safety requirements of various products.

(6) Determining that new food additives or new uses of previously approved food additives in meat and poultry products meet established safety requirements.

(7) Determining that nonfood compounds and packaging materials used by industry during the processing of food products regulated by the Agency meet established safety requirements.

(8) Coordinating the formulation of Agency nutrition policy.

(9) Developing technical information and criteria for methods used in determining the level of various nutrients found in food under FSIS jurisdiction.

(10) Developing criteria for fortification of ingredients used in meat and poultry products.

(d) *Mathematics and Statistics Division.* The Mathematics and Statistics Division is responsible for:

(1) Providing staff support for designing acceptance sampling schemes and inspection procedures for the program.

(2) Designing sampling surveys for product standard studies.

(3) Developing, in cooperation with other staffs, residue monitoring and surveillance studies.

(4) Analyzing and summarizing data developed within the Agency and providing the limits of warranted inferences.

(5) Reviewing and assessing scientific studies performed outside the program in support of regulatory actions.

(6) Managing the use of an information resources management system for laboratory sample flow, microbiological and residue monitoring and surveillance, and economic analyses.

(e) *Microbiology Division.* The Microbiology Division is responsible for:

(1) Developing methods for microbiological applications, planning programs to monitor and survey meat and poultry for microbiological trends, and accuracy of microbiological procedures used in Science laboratories.

(2) Developing economical laboratory screening methods that permit the examination of sample numbers sufficiently large so that a small proportion of the samples will be selected as potentially violative.

(3) Developing or selecting laboratory reference methods which will withstand challenge from other scientists, industry, and others.

(4) Participating with other units in FSIS and other agencies in special investigations on process or product safety and quality and in the review of submitted technical information so as to advise on the accuracy and vaildity of such information.

(5) Conducting a Quality Assurance Program for the Microbiology Section in each Science Field Service Laboratory to maintain high standards of accuracy.

(6) Conducting a microbiological monitoring and surveillance program for selected meat and poultry products and

assessing the trends for sanitation and potential public health hazards.

(7) Identifying extraneous material in food products processed under the Agency's inspection.

(8) Identifying species of animal used in food processed under the Agency's control.

(9) Advising the CRS on mirobiological hazards and food poisoning events relative to the meat and poultry supply.

(f) *Pathology and Epidemiology Division.* The Pathology and Epidemiology Division is responsible for:

(1) Conducting pathological, epidemiological, and serological studies of infectious and toxic agents associated with food animals and food.

(2) Investigating food-related conditions potentially hazardous to human and food animal health.

(3) Operating a food-borne hazard control center for receiving reports from departmental employees, State health departments, Federal agencies, and the public.

(4) Conducting epidemiological investigations to determine the cause of the food-borne hazards, and recommending preventive measures for the future.

(5) Developing and monitoring the operation of a pathology service program for the field program and providing staff services to the national offices.

(6) Developing and presenting continuing education programs in pathology, epidemiology, and serology for staff and field veterinarians.

(7) Developing serological testing systems for the detection of infectious and toxic agents in food animals and food.

(8) Conducting epidemiological investigations in support of the Contamination Response System.

(9) Maintaining liaison with State, Federal, and international health agencies related to pathological, epidemiological, and serological matters associated with food hygiene.

(g) *Residue Evaluation and Planning Division.* The Residue Evaluation and Planning Division is responsible for:

(1) Developing an overall approach to control residues occurring in the meat and poultry supply so that the incidence and levels of toxic compounds present are held to the absolute minimum.

(2) Planning and evaluating domestic and foreign residue monitoring and surveillance programs to detect the presence and extent of residues in meat and poultry.

(3) Encouraging residue programs within States and private industries, both on a cooperative and an independent basis, and interacting with Federal agencies to assure that their programs are not contributing to a residue problem in meat and poultry.

(4) Advising foreign governments about methodologies of how to operate a successful residue program so that imported meats do not contain residues.

(5) Participating with Extension Service and professional organizations to increase producer awareness of the need to include consideration of residue control in their management programs.

(6) Developing surveillance programs to prevent residue adulterated food products under control by the Agency from entering commerce.

(7) Investigating and conducting toxicological studies and evaluation of substances in food of potential adverse significance to human health.

Section 9. *Administrative Management.* The Administrative Services Division, Budget, Planning and Evaluation Division, Finance Division, Personnel Division, and the Labor Management Relations Staff, under direction of the Deputy Administrator for Administrative Management, are responsible as follows:

(a) *Administrative Services Division.* The Administrative Services Division is responsible for:

(1) Planning, and providing staff leadership and administrative services and assistance to FSIS managers and program leaders in:

(i) Real and personal property management and utilization;

(ii) Procurement of supplies, equipment, and services through competitive and noncompetitive procedures or from established contract sources;

(iii) Selection, documentation, negotiation, and implementation of agreements;

(iv) Development and control of forms, records systems and disposal, correspondence, reports, records security, printing and distribution and mail services; and

(v) Overall policy, direction, management, coordination, and operating procedures for the design and construction of FSIS facilities.

(b) *Budget, Planning and Evaluation Division.* The Budget Planning and Evaluation Division is responsible for:

(1) Guiding, directing, and coordinating the overall budget, planning and forecasting, and evaluation processes necessary to meet Agency and departmental requirements.

(2) Performing budget formulation, presentation, and execution.

(3) Participating in establishing program objectives, quarterly milestones, and annual budget targets.

(4) Coordinating implementation of annual Agency workplan, travel plan, and other operational and/or technical plans.

(5) Participating in tracking, reviewing, and evaluating program progress on a continuing basis to identify trends and potential and actual problems.

(c) *Finance Division.* The Finance Division is responsible for:

(1) Planning, providing staff leadership, and administering fiscal and related fiscal management programs necessary to requirements of the Agency programs and administrative activities.

(2) Developing the accounting and related financial systems and procedures necessary for the Agency.

(3) Carrying out a program of financial review and analysis related to cooperative Federal-State programs including, but not limited to, negotiation of indirect cost rates for those State agencies for which FSIS has been assigned cognizant responsibility for the Federal government.

(d) *Personnel Division.* The Personnel Division is responsible for:

(1) Providing leadership and coordination for the development and evaluation of programs and systems for implementing and executing an overall personnel program.

(2) Planning, providing staff leadership, and operating personnel management services and assistance to FSIS managers and program leaders in the areas of:

(i) Position management;

(ii) Position classification;

(iii) Salary and wage administration;

(iv) Employee development, training, and related activities;

(v) Recruitment and placement;

(vi) Safety and occupational health; and

(vii) Employee relations.

(3) Providing guidance and assistance to FSIS officials in developing organizational structures to meet the changing requirements of the Agency's programs, and conducting reviews of existing structures to identify and recommend needed changes.

(e) *Labor Management Relations Staff.* The Labor Management Relations Staff is responsible for:

(1) Participating with the Deputy Administrator, Administrative Management, in the overall formulation of FSIS Labor Management Relations policies and programs.

(2) Providing staff assistance and liaison in the coordination of functions

and activities involving labor management relations and relationships with supervisory organizations.

(3) Advising Agency management on appropriate requirements and action in all matters relevant to relationships with employee and labor organizations.

(4) Reviewing and making recommendations on employee grievances, complaints, disputes, impasses, unfair labor practices, unit determinations, and other related matters.

(5) Representing the Agency in consultations with labor and supervisory organizations.

(6) Representing the Agency in negotiations with labor organizations and reviewing and recommending the approval or disapproval of negotiated agreements.

(7) Serving as liaison between Agency management, union officials, and third parties under Title VII of the Civil Services Reform Act.

Section 10. *Information and Legislative Affairs Staff.* The Public Awareness Office, Informatin Office, and Legislative Affairs Office, under direction of the Director for Information and Legislative Affairs Staff, are responsible as follows:

(a) *Public Awareness Office.* The Public Awareness Office is responsible for:

(1) Advising the Administrator about consumer and industry views on Agency proposed policies and programs and making recommendations.

(2) Developing and implementing the Agency consumer education program to respond to public concerns.

(3) Maintaining ongoing contact with representatives of major consumer and industry groups to keep them informed of Agency policies and programs.

(4) Preparing, implementing, and evaluating public participation plans for all significant FSIS proposed regulations to solicit input from industry, consumers, academic and professional representatives.

(5) Managing, monitoring, and evaluating FSIS consumer response system.

(6) Preparing summaries of public comments so that the Administrator and other key decisionmakers are aware of public response to Agency actions.

(7) Planning and coordinating meetings of USDA Consumer Network to facilitate communication within the Department on consumer related issues.

(8) Serving as Agency Consumer contact in accordance with Executive Order 12160.

(9) Coordinating exhibits and scheduling showings at conferences or meetings of consumer groups, homemaker groups, public health groups, educators, and other special interest groups.

(10) Assisting in development of Agency publications and developing and implementing plans for distribution to gain maximum usage and public awareness. Handling inquiries and correspondence, requesting publications, and maintaining stocks of Agency publications.

(b) *Information Office.* The Information Office is responsible for:

(1) Providing liaison with program officials and specialists, covering program developments as they occur and as they are planned.

(2) Planning, preparing, and issuing current information including press releases, factsheets, feature articles, picture stories, publications, backgrounders, radio and television news and feature spots and programs, needed to carry out Agency policies and programs.

(3) Maintaining contact with and furnish information to representatives of press, radio, television, and other media, including the planning of press conferences and briefings.

(4) Planning, preparing, and directing the production of FSIS radio and television materials.

(5) Planning, preparing, and directing the production of visuals such as exhibits, motion pictures, still photographs, graphic posters, charts, demonstration materials, and other artwork.

(6) Serving as the principal channel for contacts with the Office of Governmental and Public Affairs in regard to the production, design, and printing of publications, as well as the production of broadcast and visual materials.

(7) Developing material for use by the Administrator and other top Agency officials for either internal or external use.

(8) Planning, preparing, and issuing popular publications, based on technical program information, designed to provide practical education material for the public.

(9) Editing FSIS' consumer newsletter and coordinating input from other agencies.

(10) Providing for printing services for all public information materials.

(c) *Legislative Affairs Office.* The Legislative Affairs Office is responsible for:

(1) Participating with Director in planning and formulating legislative, executive correspondence, and special assignments programs and policies.

(2) Planning, coordinating, conducting, and supervising FSIS legislative, executive correspondence and special assignments activities.

(3) Establishing clear and continuing lines of communications between FSIS and Congress, other agencies of Government, and interested sectors of private industry in regard to all legislative affairs affecting the Agency.

(4) Preparing legislation; monitoring, analyzing, and drafting reports and comments on legislative proposals, and tracking other congressional or governmental activity affecting FSIS.

(5) Analyzing legislative documents, including bills, resolutions, and hearing records, to determine whether reports are needed to express FSIS positions to the appropriate congressional committees.

(6) Coordinating and assisting in the preparation of Agency testimony and related information requested by congressional committees.

(7) Presenting FSIS, Department, and Administration legislative policies, positions, and concerns to members of Congress, congressional committees, other governmental agencies, and interested persons and groups in the private sector.

(8) Answering or coordinating answers to oral legislative inquiries from congressional members or committees, the President's and Vice-President's offices, the Secretary's Office, the Office of Management and Budget, and other agencies of the Government or the Department.

Section 11: *Policy and Program Planning Staff.* The Policy Analysis Office, Regulations Office, Emergency Planning Office, and Executive Secretariat, under direction of the Director for Policy and Program Planning Staff, are responsible as follows:

(a) *Policy Analysis Office:* The Policy Analysis Office is responsible for:

(1) Developing, recommending, and advising on policy options relating to Agency programs, goals, and objectives. Making determinations of socioeconomic and program ramifications. Participating in the development of and assisting in the coordination of new initiatives in Agency programs. Advising and counseling the Director concerning probable impact of alternative strategies and possible courses of action available.

(2) Researching, developing, and coordinating policy matter reports and monographs. Developing position papers concerning policy issues for the Director and/or the Administrator. Coordinating policy developments that cross program lines.

(3) Participating in the development and use of mathematical, statistical, social, economic, and other scientific methods or studies which affect Agency programs and in determining the best mix and use of quantitative decision processes to develop new or refine ongoing programs.

(4) Preparing analyses for regulations that may have major economic consequences. Presenting conclusions and recommendations to management officials for their use in ensuring efficiency, economy, and balance in the development and execution of regulations.

(5) Designing and operating the FSIS program planning system.

(b) *Regulations Office.* The Regulations Office is responsible for:

(1) Developing and drafting proposed/final regulations and other documents for publication in the **Federal Register**, as required.

(2) Reviewing proposed FIS program issuances and **Federal Register** documents for adequacy, clarity, and compliance with FSIS program policies, USDA policies, and applicable laws and regulations.

(3) Maintaining clearance and publication systems for bulletins, notices, and directives (program issuances).

(4) Coordinating, as appropriate, intra- and inter-agency review of **Federal Register** documents, program issuances, and memoranda of understanding.

(5) Maintaining a status and priority system for tracking all current **Federal Register** documents that are under development of review.

(6) Operating a regulations monitoring system and performing analyses as required in Executive Order 12291, and the Regulatory Flexibility Act, as they relate to the review of regulations.

(7) Coordinating and maintaining the administrative record for all FSIS regulations.

(8) Operating the Office of the Hearing Clerk.

(c) *Emergency Planning Office.* The Emergency Planning Office is responsible for:

(1) Planning, developing, and coordinating all FSIS emergency preparedness functions for both peace-time and war-time emergencies and disasters.

(2) Managing the Radiological Emergency Planning, Preparedness, and Response Program for USDA, including the development of policy, program plans, and procedures for USDA's participation in a Federal response to various types of radiological emergencies.

(3) Directing the USDA response in the event of a national radiological emergency.

(4) Assisting State and local governments in emergency planning and preparedness for peace-time nuclear emergencies.

(5) Participating in various Emergency Mobilization Preparedness Board projects and activities.

(6) Serving as contact between the Department and FSIS regarding emergency preparedness, Regional Emergency Staffs, the State Emergency Boards, and the County Emergency Boards. Serving as liaison for FSIS to the Office of Intergovernmental Affairs.

(d) *Executive Secretariat.* The Executive Secretariat is responsible for:

(1) Coordinating FSIS activity under the Freedom of Information Act (FOIA) and Privacy Act (PA).

(2) Developing FOIA and PA policy and all necessary support systems.

(3) Making all initial determinations to deny or release information requested under FOIA.

(4) Maintaining priority calendar and tracking of the status of priority items for FSIS.

(5) Managing and operating the FSIS Information Processing Center.

(6) Controlling, upon request, all assignments, written and oral, made by the Administrator or Deputy Administrators to other FSIS officials for action; devising correspondence procedures for the Office of the Administrator to reduce the duplication of controls exercised over correspondence routed within that Office.

Section 12. *Review and Evaluation Staff.* The Special Projects Office, Analysis and Evaluation Office, and Program Review Office, under direction of the Director for Review and Evaluation Staff, are responsible as follows:

(a) *Special Projects Office.* The Special Projects Office is responsible for:

(1) Participating with the Staff Director in the development of staff policy for review and evaluation activities to assess uniformity and effectiveness of FSIS program operations.

(2) Designing, recommending, and conducting special studies and analysis of FSIS inspection, technical, and scientific programs.

(3) Providing a focal point for liaison and coordination of Review and Evaluation activities with headquarters units of Meat and Poultry Inspection Operations, Technical Services, and Science.

(4) Participating in the performance of inquiries, review and interviews, as assigned by the Administrator, in cases requiring independent factgathering.

(5) Participating in the technical and scientific analysis and reporting of results of reviews and studies.

(6) Providing technical and scientific input to the design of operating systems, methods, guidelines, and procedures for reviewing FSIS program operations.

(7) Participating in the development of options and alternatives to eliminate abuse and waste in program operations and improve program integrity.

(8) Developing and maintaining contacts with appropriate review and evaluation groups inside and outside the Department.

(b) *Analysis and Evaluation Office.* The Analysis and Evaluation Office is responsible for:

(1) Participating with the Staff Director in the development of staff policy for review and evaluation activities to assess uniformity and effectiveness of FSIS program operations.

(2) Providing primary analytical support to the design of operating review systems, methods, guidelines, and procedures for systematic, on-site reviews of FSIS program effectiveness.

(3) Providing primary analytical support to the design of special studies of inspection, technical, and scientific programs.

(4) Analyzing, summarizing, and reporting results of reviews and studies, identifying patterns and trends, and making recommendations.

(5) Participating in the planning, design, and performance of special studies and of selected inquiries and interviews, as assigned by the Administrator, in cases requiring independent factgathering.

(6) Participating in the development of options and alternatives for FSIS consideration to eliminate abuse and waste in program operations and improve program integrity.

(7) Providing staff support to Associate Administrator in Agency Liaison Officer matters and coordinating these activities with the Office of the Inspector General and other outside audit groups on audit related matters.

(8) Developing management, tracking systems, and information resources systems, both manual and automated, to better collect, retrieve, analyze, and utilize data generated in review efforts.

(9) Preparing responses to inquiries, planning documents, briefing papers, and other materials to describe R&E review and evaluation activities and policies.

(c) *Program Review Office.* The Program Review Office is responsible for:

(1) Participating with the Staff Director in the development of Staff policy for review and evaluation activities to assess uniformity and effectiveness of FSIS program operations.

(2) Participating in the design of operating review systems, methods, guidelines, and procedures for reviewing FSIS program operations.

(3) Conducting systematic, on-site reviews of FSIS program effectiveness as carried out at the delivery points of program operations.

(4) Providing factgathering resources to contribute to special studies carried out by the Staff.

(5) Participating in performance of inquiries, reviews, and interviews, as assigned by the Administrator, in cases requiring independent factgathering.

(6) Providing data for analytical purposes; summarizing and reporting results of reviews and studies and contributing recommendations.

(7) Participating in the development of options and alternatives to eliminate abuse and waste in program operations and improve program integrity.

(8) Developing and maintaining contacts with inspection, scientific, technical, and review and evaluation groups to aid in factgathering and reporting and referrals.

Section 13. *Equal Employment Opportunity Staff.* The Equal Employment Opportunity Staff has a monolithic structure. It is primarily responsible for four Agency-wide programs, namely, those pertaining to Civil Rights, Federal Women, Hispanic Employment, and Upward Mobility.

III. Delegations of Authority

Section 14. *Associate Administrator.* The Associate Administrator is hereby delegated the authority to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator, including the power of redelegation, except when prohibited, and including authority reserved to the Administrator in Section 21 below. He is also authorized to act for the Administrator in his absence or from time to time when the Administrator is not available.

Section 15. *Authority To Serve as Acting Administrator.* (a) When the Administrator and Associate Administrator plan to be absent or unable to perform the duties of the Administrator, the Administrator will make a specific designation, in writing, of an Acting Administrator.

(b) When the Administrator and Associate Administrator are absent or unable to perform the duties of the Administrator and a specific designation has not been made, the Deputy Administrators, in the order named, are designated to serve as Acting Administrator:

(1) Deputy Administrator, Meat and Poultry Inspection Operations.

(2) Deputy Administrator, International Programs.

(3) Deputy Administrator, Meat and Poultry Inspection Technical Services.

(4) Deputy Administrator, Science.

(5) Deputy Administrator, Administrative Management.

(c) In the event of extreme emergency that prevents the Administrator, Associate Administrator, and the Deputy Administrators from assuming the duties of the Administrator, Assistant Deputy Administrators in the order named are designated to serve as Acting Administrator until such time as the Administrator or one of the above designated alternates is capable of serving as Administrator:

(1) Assistant Deputy Administrator, Meat and Poultry Inspection Operations, Regional Operations.

(2) Assistant Deputy Administrator, Meat and Poultry Inspection Operations, Compliance and Staff Operations.

(3) Assistant Deputy Administrator, International Programs.

(4) Assistant Deputy Administrator, Meat and Poultry Inspection Technical Services.

(5) Assistant Deputy Administrator, Science.

(6) Assistant Deputy Administrator, Administrative Management.

Section 16. *Deputy Administrators.* The Deputy Administrator, Meat and Poultry Inspection Operations; the Deputy Administrator, International Programs; the Deputy Administrator, Meat and Poultry Inspection Technical Services; the Deputy Administrator, Science; the Deputy Administrator, Administrative Management; and the officers they designate to act for them are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited), except such authority as is reserved to the Administrator. Each Deputy Administrator shall be primarily responsible for the programs and activities of the Food Safety and Inspection Service herein or hereafter assigned to him/her.

Section 17. *Directors, Information and Legislative Affairs Staff, Policy and Program Planning Staff, Review and Evaluation Staff, and Equal Employment Opportunity Staff.* The Directors, Information and Legislative Affairs Staff, Policy and Program Planning Staff, Review and Evaluation Staff, and Equal Employment Opportunity Staff, are hereby delegated authority in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator, (including the power of redelegation except when prohibited), except such authority as is reserved to the Administrator.

Section 18. *Assistant Deputy Administrators; Regional Directors, Meat and Poultry Inspection Operations; and Division and Staff Directors, Meat and Poultry Inspection Technical Services, International Programs, Science, and Administrative Management.* The Assistant Deputy Administrators; Regional Directors, Meat and Poultry Inspection Operations; and Division and Staff Directors, Meat and Poultry Inspection Technical Services, International Programs, Science, and Administrative Management are hereby delegated authority in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator, except the authorities reserved to the Administrator and Deputy Administrators.

Section 19. *Concurrent Authority and Responsibility to the Administrator.* No delegation or authorization prescribed herein shall preclude the Administrator, or each Deputy Administrator, from exercising any of the powers or functions, or from performing any of the duties conferred upon them herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, and in their respective fields, by each Deputy Administrator.

Section 20. *Prior Authorizations and Delegations.* All prior delegations and redelegations of authority relating to any functions, program, or activity covered by the Statement of Organization, Functions, and Delegations of Authority, shall remain in effect, except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

IV. Reservation of Authority

Section 21. *Reservation of Authority.* There is hereby reserved to the Administrator, or to the individual designated to act in his/her stead, the following:

(a) The initiation, change, or discontinuance of major program activities.

(b) The issuance of regulations pursuant to law.

(c) The transfer of functions between Deputy Administrators.

(d) The reprogramming of the use of appropriated funds among Deputy Administrators.

(e) The transfer of funds between work projects within each Deputy Administrator's area, except those not exceeding 10 percent of base funds, or $50,000 in either work project, whichever is less.

(f) The approval of any change in the formal organization, including a section, its equivalent, or higher level.

(g) The making of recommendations to the Department concerning establishment, consolidation, change in location, or abolishment of: (1) Regional, State, area, and other field headquarters offices, and (2) any region or other program area that involves two or more States, or that crosses State lines, except inspection circuits which are adjusted by the Deputy Administrator.

(h) Authority to establish, consolidate, or change a location, or abolish any field office, or change program area boundaries not included in (g) above.

(i) Approval of all appointments, promotions, and reassignments in GS–14 and above.

(j) Approval of all appointments, promotions, and reassignments of employees to foreign countries.

(k) Approval of budget estimates for submission to the office of the Secretary, Office of Management and Budget, and the Congress.

(l) Approval of all long-term training assignments and all assignments made under the Intergovernmental Personnel Act.

(m) Approval of all cash awards for employees in positions of grades 15 and above.

Section 22. *Availability of Information and Records.* Any person desiring information or to make submittals or requests with respect to programs and functions of the Agency should address his request to the appropriate Deputy Administrator, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. The availability of information records of the Agency is governed by regulations published in 7 CFR Part 1 and 9 CFR Part 390.

This notice is effective April 7, 1983.

Done at Washington, D.C., on April 1, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-9122 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-DM-M

Forest Service

Outfitting and Guiding Permits; Proposed Policy

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed policy.

SUMMARY: The Forest Service is proposing revised policy and procedures for the issuance and administration of special use permits authorizing outfitting and guiding activities on National Forest System lands and waters. The proposed material is intended for publication in Chapter 2720 of the Forest Service Manual. Its purpose is to provide common direction to Forest Service management units in receiving and processing special use permit applications, preparing and issuing permits, administering those permits, and making decisions on outfitting and guiding activities. The Forest Service is publishing this proposal for the purpose of seeking comments and recommendations in written form from agencies of State, local, and Federal government, groups and organizations, and individuals with an interest in this matter.

DATE: Comments must be received in writing on or before June 7, 1983.

ADDRESS: Comments may be mailed to R. Max Peterson, Chief (2300), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Robert A. Wier, Recreation Management, Forest Service, USDA, Room 4247, South Building, 12th and Independence Avenue, SW, Washington, DC 20013, (202) 447–2311.

SUPPLEMENTARY INFORMATION: For the past 2 years, the Forest Service in cooperation with the Bureau of Land Management, USDI, has been reviewing outfitter and guide permitting policies and procedures with the objective of formulating changes which would improve the clarity of existing directives and result in greater consistency of interpretation and application. A number of problems with existing policy were identified and, in February of 1982, an options paper was prepared and informally circulated to interested members of the public, user groups, and Forest Service field offices. Comments on the following five issues were sought: (1) Fees paid to the Government, (2) transfer of permits, (3) award of permits, (4) speculation on permit privileges, and (5) operators without permits and licenses. In addition to the input from Forest Service field officers, over 1,200 written comments were received. An analysis of the comments received is available for public review at the Forest Service offices indicated above.

During the course of preparing the proposed policy, Forest Service officials informally consulted with officials of other Federal agencies, national conservation organizations, outfitter industry leaders, members of congress, and others with interest in the subject matter.

The proposed policy responds to the various concerns expressed through this public involvement effort.

Several major changes from current policy direction are included in the proposal. Under certain condition, permits could be issued for longer periods of time than is presently allowed. Modified fee rates and a revised method of fee calculation are also proposed.

Much of the proposal is new policy direction. Under the proposal permit holders would be subject to periodic performance reviews. New direction for handling institutional and semi-public outfitting and guiding activities is included. The direction for reissuance of permits to current permit holders and for issuance of permits to purchasers of currently permitted outfitting businesses is also new.

These proposed changes in permit policy and procedures are designed to improve the stability of the outfitter and guide industry and, thereby, lead to better recreation service for National Forest users. In addition, the revised method of fee calculation proposed herein would assure that the government receives, as required, fair market value for permitted services. By expansion and clarification of the permitting process, the proposed policy would also improve consistency of administration of permitted activities by Forest Service field units.

TITLE 2700—LAND USES MANAGEMENT

Chapter 2720—Special Uses

Contents

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2721.53 Outfitter and Guide

This designation covers the provision of outfitting and guiding services to recreation visitors where little or no development or permanent improvement on the land is required. Normally, the use occurs in general Forest environment areas toward the more primitive end of the Recreation Opportunity Spectrum, but it may occur anywhere.

Permits are issued primarily for the purpose of meeting a general public need but may also be issued as a convenience to individuals or organizations serving selective or restrictive clientele. Permits are issued as the means of encouraging skilled and experienced individuals and companies to conduct outfitting and guiding activities which provide equipment and assistance to National Forest visitors. For example, outfitter/guide type permits are issued for such activities as packing, hunting, float trips, canoe or horse liveries, ski touring, helicopter skiing, jeep touring, and fishing.

Permits authorizing the construction or placement of substantial and permanent improvements on the land will normally be issued under a use category other than outfitting/guiding, even though the developed site on which the improvements are located may serve as the base of operations for an outfitter/guide business. If appropriate, structures such as corrals, shelters, tent frames, and the like may be authorized under outfitter/guide type permits, but permits authorizing substantial permanent structures shall be classified under a developed site category such as resort (FSM 2721.33); rental service (FSM 2721.54); or store, shop, office (FSM 2721.57).

Sponsored, organized, and supervised trips approved by the Forest Service in advance to perform work of benefit to the United States in administration and protection of National Forest System lands will not be covered by special use permit. They are properly covered by cooperative agreements as described in FSM 1580, or volunteer agreements as described in FSM 1830. Typical National Forest System benefits received under these agreements include trail maintenance cleanup, tree planting, range revegetation, and similar work. Examples include conservation group service trips, youth group planting projects, and civic club cleanup projects.

2721.53a Definitions

Guiding. Includes the provision of assistance, protection, supervision, education, training, transportation, interpretation, and guiding services. It includes such personal services as leading, teaching, cooking, packing, or otherwise assisting recreationists in their pursuit of a natural resource-based outdoor recreation experience.

Outfitting. Includes the provision of equipment, supplies, livestock, and materials. It includes such outfitting services as rental of boats, skis, horses, tents, and other equipment or gear.

Service Day. A service day is a day or part of a day for each individual accompanied or provided services, including transportation services, by a packer, outfitter, guide, leader, or instructor. Beginning and ending days of a trip or service period will be considered as full days. Where supply or drop service alone is performed, the full or fractional days involved multiplied by the number of clients in the party equals service days. Any period of time when clients, individually or in groups, are on the National Forest and under the direction or tutelage of a guide will be counted as part of the total service days use for fee calculation purposes.

2721.53b General Policy

1. Permits may be issued to qualified applicants whose services are marketed and available to all members of the public on a recurrent basis during the season of demand and when the proposed use (a) is indentified in an approved Forest Land and Resource Management Plan or implementation plan, (b) provides a needed public service, and (c) assists in the management and utilization of National Forest System resources.

2. Under the direction included in 2721.53g, institutional and semi-public permits may be issued as a convenience to individuals and organizations serving selective or restrictive clientele.

3. Those outfitters based on non-National Forest System land who rent equipment or livestock to the public for use on National Forest land must obtain a permit if they or their employees occupy or use a National Forest in connection with their rental program. For example, a permit is required if a boat livery operator provides service, including delivery or pickup of boats at National Forest sites. No permit is necessary if the operator's customers transport the boats to and from the National Forest locations.

4. Except for institutional type permittees as described in FSM 2721.53g, each current outfitter/guide permit holder will be assigned an amount of use. This amount will be established in terms of number of service days, type of permitted activity, and resource area (wilderness, wild river, etc.) within which the activity is permitted. The amount of use shall be based on the average annual actual use which was permitted during the previous 3 years at the time of calculation. When established, this amount of use shall constitute a Forest Service commitment to the holder to give priority consideration in allowing that level of use until the Forest Land and Resource Management Plan, or other formal written plan prepared pursuant to Section 6 of the National Forest Management Act and regulations promulgated thereunder (36 CFR Part 219), is completed or revised and approved. Use above this level may be authorized for one season at a time, but such temporary authorization does not commit that amount to a permanent authorized use.

5. Permits will be required whether the duration of the trip is a few hours or an extensive number of days.

6. Permits shall be issued under the authority of the Act of June 4, 1897, only on Form 2700–4.

7. An operating plan will be required as a part of all permits.

8. Waiver or discount of fees may be considered only in those circumstances provided in 2721.53g, paragraph 8.

2721.53c Applications and Award of Permits

1. Form 2700–3, Special Use Application, will be used to describe the services to be performed, the number of service days, lands to be occupied, and other elements involved, including modes of transportation, season of use, scheduling, etc. Application procedures established at 36 CFR 251.54 are fully applicable to outfitter/guide applications. Additional application policies and procedures are set forth in FSM 2721.

2. In reapplying for a permit, current holders must be able to show that they continue to have the financial and business ability, resources, and technical skills to fulfill the conditions of the permit.

3. Reissuance of Permits

a. Except for institutional type permittees as described in FSM 2721.53g., permits shall be reissued to current permit holders. Reissuance shall be based on FLRMP's/Multiple Use Plan's or Implementation Plan's objectives and direction, the holder's

past performance record, and their current financial capability/viability.

b. If a change of ownership is expected, the holder must arrange for the prospective new owner to meet with the Forest Service to discuss the past operation and future use prior to concluding the sale or applying for a new permit.

c. Except for institutional type permittees as described in FSM 2721.53g., permits will be reissued to qualified purchasers of currently permitted businesses. The relinquishment/application submitted by the buyer and seller must be accompanied by an executed and recorded contract to purchase, probated will, bill of sale, or other equivalent document that shows a bona fide conveyance of a substantial proportion of the private land, equipment, or other assets previously used in the business. Permits will be issued only if the seller has operated each year of the past 2 years and has performed to an acceptable standard for the past 2 years as determined through evaluation (FSM 2721.53e, paragraph 2).

4. New Permits.

a. New or additional opportunities for outfitting/guiding services may occur, as a result of:

(1) Increased allocation, capacity or public need identified through completion or revision of a Forest Land and Resource Management Plan (FLRMP) or implementation plan.

(2) Termination or non-reissuance due to abandonment or application denial of an existing permit, leaving unused allocation or capacity available.

(3) Competitive interest in an area, unit, or activity where no previous authorized use exists.

(4) Interest arising in an area, unit, or activity where no previous authorized use occurred, and where competitive interest is lacking at this time.

Proposals will be invited for situations fitting (1) and (2) above to select the best qualified applicant(s). Invitees may be limited to existing permit holders at the discretion of the Forest Officer. For example, two or more current holders may be marginally economical, and the added allocation or capacity would help ensure better service to the public. In such cases, the invitees could be limited to existing economically marginal holders, or to permittees whose use has been recently reduced or discontinued due to planning decisions. In determining the best qualified applicant, consideration shall be given to past experience in the general area, financial ability, and past performance record.

For situation (3), the Forest Service invites proposals and selects the best qualified applicant(s). Invitations will be extended to all parties with a known interest, including existing holders.

Once a holder is selected through "invitation for proposals", reissuance procedures for current permit holders will be followed (FSM 2721.53c., Paragraph 3.a.) in the future.

For situation (4), following a formal determination of no competitive interest (i.e., newspaper article scoping document, (EA), permits would be issued to the first qualified applicant.

5. Changes Resulting from Plan Revisions. In some situations, the completion or revision of a FLRMP or implementation plan may direct a level of outfitting/guiding use below present levels. This direction may be based on better data about resource capability, adverse resource impacts, or carrying capacity limitations. The following examples and policies identify how these situations shall be managed:

a. FLRMP or implementation plan sets a carrying capacity that is lower than current use. In this event, three options shall be available to the Forest Officer after consultation with outfitters, State and local agencies, and other interested parties:

(1) Proposals shall be invited to select the most qualified applicant(s) to provide reduced levels of service. Invitees shall be limited to existing holders.

(2) Service days may be reduced proportionately for all current holders.

(3) Service days may be reduced based on past actual use or voluntary reductions.

b. FLRMP or implementation plan concludes that there are too many outfitters/guides. Such a situation might arise when large numbers of outfitters/guides may be operating in an area, unit, or river without a majority of outfitters/guides providing a sufficient, desired level of service to be efficient or profitable in that area, unit, or activity. In this event, proposals shall be invited from the current permit holders to select the best qualified applicant(s).

2721.53d Permit Preparation and Conditions of Use

1. Approved mandatory and optional clauses for consideration are included in FSM 2780.

2. Permits may be issued for variable periods not to exceed 5 years. To the extent possible, the permit period shall coincide with review and revision dates of the Forest Land and Resource Management Plan (FLRMP). Two factors shall be used for determining the duration or length of period. The Forest Supervisor shall consider as a minimum:

a. Management objectives and direction established in FLRMP, Multiple Use Plans, or implementation plans which recognize such factors as carrying capacity, recreation experience levels and opportunities, and public need in relation to specific outfitting and guiding services.

b. The outfitter/guide permit holder's experience, qualifications, and performance during the last permit period. If a holder performs at the "acceptable" performance level (FSM 2721.53e, paragraph 2) for the last permit period, they would qualify for a permit period of 5 years maximum. A holder with a "probationary" level would qualify for a permit not to exceed 1 year. Continued operation at probationary level may lead to future denial of permit applications. Permittees receiving unacceptable ratings shall be subject to termination actions and may be ineligible for reissuance of permits.

3. Applicants who receive a permit, but who have no Forest Service record of past performance, may be issued permits annually for 2 years to provide a performance evaluation period, after which the duration of future permits shall be established based on item 2 above. Examples of such applicants would be a successor in interest to an existing business or an applicant selected through an "invitation for proposal."

4. Except where the outfitter/guide is an employee or agent of a permitted resort, outfitter/guide permits must be issued to the individual or entity making direct use of National Forest System land, rather than to an organization that merely promotes trips and handles reservations.

5. The modes of transportation to be used shall be specified in the permit.

6. A separate grazing permit for pack and saddle stock shall be issued. Grazing use is governed by instructions in FSM 2210 and 2230 and incorporated in the outfitter/guide permit. Actual grazing use records will be kept and such use reported in the annual grazing statistical report (FS 2200–J). Horses under livestock use permits (FSM 2230) are sometimes utilized in outfitting and guiding activities. When this occurs, separate records will be kept for use made under livestock use permits and outfitter guide permits. Each type of use will be included in Report FS 2200–J. Where pack and saddle stock are grazed outside the scope of the outfitter-guide permit, use will be governed by policies in FSM 2230.

7. To the extent possible, planned use of specific campsites will be listed in the permit or operating plan. In those cases

where an itinerary and campsite use are not specified, camp use will be shown on the permit as undesignated. The total number of service days in each service day fee category will be entered in the permit.

8. Holders will be required to provide the authorized officer with reasonably accurate information through an actual use report at least annually within 30 days of the close of the operating season.

2721.53e. Permit Administration

1. Subletting will not be approved. If a holder is unable or unwilling to provide the permitted services, the permit shall be terminated.

2. Outfitter/guide permit holders shall be subject to annual performance evaluations. Forest Supervisors shall develop performance review standards for inclusion in each special use permit and/or operating plan in consultation with District Rangers, the permittee, outfitter/guide associations, State Fish and Game agencies, State outfitter/guide licensing agencies, councils and other State and Federal land managing agencies.

Performance reviews will recognize three different levels: Acceptable, Probationary, and Unacceptable.

The degree of compliance with conditions of the permit and operating plan shall be an important consideration in the evaluation. The review and rating shall be completed annually at the end of the operating season and the permit holder shall be advised of the finding. To the extent allowed by laws and regulations, ratings will be confidential between the Forest Service and permittee.

3. During the course of the season of use, permitted operations will be monitored to verify compliance with the provisions of the permits.

4. Illegal or "Pirate" outfitters are outfitters or guides who operate on National Forest lands without a permit and/or a State license where one is required. This type of operator is a particular problem in activities such as backpacking, whitewater use, and hunting. Forest Supervisors and District Rangers are encouraged to work with State and local authorities, outfitters, and outfitter/guide organizations to resolve the problem. Permits holders are expected to share the responsibility of dealing with unauthorized use and users. Pirate outfitter cases will be investigated and administered as a law enforcement action according to procedures in FSM 5300.

2721.53f Fees

For the purpose of administering fee collections for outfitter/guide permits, the following shall apply:

1. Outfitter/guide fees are determined according to the category listed below which best represents the type of operation:

a. For outfitter/guide activities and services authorized in connection with other permitted commercial, public service use, such as a resort, fees are included in the fee determination for the total authorized use under the Graduated Rate Fee System (GRFS). Where outfitting/guiding was not anticipated or incuded as part of the commercial public service operation at permit issuance, the commercial, public service term permit may be amended with the holder's concurrence, or a separate permit issued.

b. For outfitter/guide activities and services authorized as a distinct activity or service, but which are not a part of an authorized commercial public service use, provision shall be made for payment of the following fees, as appropriate to the use:

(1) A fee for the permit privileges and use of National Forest System lands based upon the planned service days authorized.

(2) An annual rental fee for the exclusive use of National Forest System lands.

(3) Where grazing of livestock used in connection with outfitter/guide services during the use season is authorized outside of special use pastures or convenience enclosures, an additional fee shall be charged for such grazing use based on FSM 2230.

2. *Service Day Fees.*

a. Fees for permitted service days are calculated by multiplying the number of service days authorized by the outfitter's *adjusted service day* client charge shown below:

Outfitters adjusted service day client charge	Service day fee due FS
$1 to 8.00	$0.25
8.01 to 20.00	.40
20.01 to 35.00	.80
35.01 to 50.00	1.30
50.01 to 75.00	1.90
75.01 to 100.00	2.60
100.01 to 125.00	3.40
125.01 to 150.00	4.10
150.01 to 175.00	4.90
175.01 to 200.00	5.60
200.01 to 250.00	6.75
250.01 to 300.00	8.25
300.01	9.00

NOTE.—Fee increases to be phased in over 3 years starting in 1984.

b. Service day fees are due and payable in advance. If annual fees exceed $500, the issusing officer may exercise discretion to accept partial payment in an amount not less than 25 percent at the time of permit issuance with the balance payable in three equal amounts during the use period on dates to be established by the issuing officer.

c. The adjusted service day client charge recognizes that operators provide variable discounts to certain customers and groups as a common business practice. Applicants shall furnish documents reflecting their planned customer rate schedules for the use season and evidence of their discounting program. Documents may include advertising material, brochures, or a signed letter to the authorized Forest Officer reflecting customer rates and discounting program. This material shall be retained with the permit file.

An additional adjustment may be made if the advertised daily rate includes long distance transportation costs or off-Forest lodging in local communities. All other customer charges for services provided and reflected in the advertised daily rate are included in the adjusted service day client daily charge. Transportation or lodging adjustments must be supported by documents provided by the applicant.

d. The minimum annual fee for service day use is $100. Regional Foresters are authorized to establish higher fees per service day or higher minimum annual fees when appropriate.

e. If a holder secures business in addition to that initially authorized, an amended application shall be prepared. Upon approval, any additional service day fees due shall be collected through supplemental billing.

f. Refunds of service day fees paid will not normally be made. However, upon application, refunds may be made at the discretion of the authorized officer when anticipated business is lost due to conditions beyond the holder's control, provided that the nonuse is reported to the authorized officer in sufficient time to allow allocation of the nonuse to other holders, if appropriate. Partial refunds amounting to less than the $100 minimum fee will not be made, but may be credited toward next year's fees.

3. *Exclusive Occupancy Fee*

a. In addition to the service day fee, outfitter/guide permits shall require payment of land use fees for the occupancy of National Forest System lands reserved for, or exclusively used in, the outfitter/guide operation or service. Examples may include, but are not limited to, base camps, caches, corrals and loading facilities, boat launches, and helispots. A minimum annual rental fee of $100 is established

for *each site* reserved for, or exclusively used by, the outfitter/guide in the permitted season of operation.

b. Exclusive occupancy fees will not be prorated for use periods of less than 1 year, and are not subject to waiver, reduction, or discount.

c. Refunds or credits of exclusive occupancy fees paid will not be authorized.

4. The total fee determined for an outfitter/guide permit shall be calculated on a fee determination statement (FSM 2715) and billed as a single amount, to be deposited to recreation use (FSM 6530).

2721.53g. Permits for institutional and semi-public outfitter and guiding activities

Permits for these activities are issued on an opportunity basis rather than as a means of implementing Forest Service planning decisions and objectives. Schedules and services may fluctuate from season to season or year to year as may fit the programs of the applicant.

Holders include a variety of membership or limited constituency institutions such as religious, conservation, youth, fraternal, service club, and social groups; schools, colleges and universities; and similar common interest organizations and associations. It also includes current permit holders who operate commercially on a limited intermittent or irregular basis in providing service to select customer clientele rather than the public at large. Institutional and semi-public outfitting and guiding activities shall be administered under the following policies:

1. Non-renewable annual or trip permits may be issued when the Forest Officer determines the use can be accommodated without causing unacceptable conflict or resource impacts and is in the public interest. The permitted activities must be consistent and compatible with applicable laws, regulations, and Forest Service policies.

2. Applicants must demonstrate financial and technical ability to fulfill the terms of the permit.

3. The permit may be issued for either (a) one trip or (b) a duration of 1 year or less when the use involves several trips.

4. Commitments to give priority consideration for future use shall not be given for institutional or semi-public type permits.

5. Annual permits issued for continuing intermittent use during the year shall require an operating plan. No plan is necessary for trip permits.

6. Documented performance reviews are not required.

7. The modes of transportation and the amount of use expressed in service days will be specified in the permit.

8. Fees will be established as generally provided in FSM 2721.53f; however, certain organizational type of holders may qualify for reduced fees. When the programs and recipients are comparable, and qualify under the provisions of 36 CFR 251.57(b)1—4 and FSM 2715, the fee reduction described in FSM 2721.13, 2723.17 and 2726.22 may be applied to the service day fee. For example, a 60 percent discount may be applied to the service day fee otherwise due, when the use is outfitting and guide service for organized youth program use. As an illustration, if an outfitter provides a service to priority 2 recipients, otherwise providing for a $3 per service day fee due the Forest Service, the fee due in this case would be (3 × 60 percent) or $1.80 per commercial service day. Disadvantaged and handicapped use shall be discounted 75 percent. Discounted fees are subject to the $100 minimum annual fee for service days.

R. Max Peterson,

Chief.

April 4, 1983.

[FR Doc. 83-9235 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Alta Loma Ditch Rehabilitation Land Drainage RC&D Measure, Texas; Environmental 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 on 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 Alta Loma Ditch Rehabilitation Land Drainage RC&D Measure, Galveston and Brazoria Counties, Texas.

FOR FURTHER INFORMATION CONTACT: Billy C. Griffin, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76503, telephone 817-774-1214.

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, Billy C. Griffin, 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 to provide adequate drainage outlets for farmers. Plan components include ditch excavation, drop pipes, critical area planting, fencing and livestock management.

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 Billy C. Griffin.

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 30, 1983.

Billy C. Griffin,

State Conservationist.

[FR Doc. 83-9224 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-16-M

Sequoyah Park Critical Area Treatment RC&D Measure, Oklahoma; Environmental 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 on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service 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 Sequoyah Park Critical Area Treatment RC&D Measure, Cherokee County, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, (405) 624-4360.

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, Roland E. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns critical area treatment of a recreation area for shoreline erosion caused by wave action. The planned works of improvement include planting trees along the shoreline and installing a wave arrester to protect the plantings.

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 Roland R. Willis.

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: April 1, 1983.

Billy R. Littlefield,

Assistant State Conservationist.

[FR Doc. 83-9047 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-16-M

Town of Erwin Critical Area Treatment RC&D Measure, New York; Environmental 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 on 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 Town of Erwin Critical Area Treatment RC&D Measure, Steuben County, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423-5521.

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, Paul A. Dodd, 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 critical area treatment for erosion control in the Town of Erwin, New York. The planned works of improvement include surface grading and shaping for water control, spreading of 2 feet of topsoil over exposed areas, liming, fertilizing, seeding, and mulching of approximately 7.3 acres. The area of work is a reclaimed landfill.

The Notice of 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 Paul A. Dodd.

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 25, 1983.

Paul A. Dodd,

State Conservationist.

[FR Doc. 83-9034 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-16-M

Upper Appomattox Watershed, Virginia; Environmental 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 on 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 Upper Appomattox Watershed, Appomattox, Buckingham, Cumberland, and Prince Edward Counties, Virginia.

FOR FURTHER INFORMATION CONTACT: Manly S. Wilder, State Conservationist, Soil Conservation Service, 400 North Eighth Street, P.O. Box 10026, Richmond, Virginia 23240, telephone 804-771-2455.

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, Manly S. Wilder, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The recommended plan includes soil conservation practices and critical area treatment on 20,150 acres and eight agricultural waste management systems. Primary effects of the plan include decreased erosion and sedimentation on agricultural lands and improved water quality.

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 Gerald P. Bowie.

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. 10.904, Watershed Protection and Flood Prevention 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 29, 1983.

Manly S. Wilder,

State Conservationist.

[FR Doc. 83-8981 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 41044]

Frontier Flying Service Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 12, 1983, at 10:00 a.m. (local time), in Room 1012, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., April 1, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-9172 Filed 4-7-83; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Massachusetts Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 6:00 p.m., on May 4, 1983, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110. The purpose of this meeting is to discuss plans for future projects on the implementation of the State civil rights act; sexual harassment; successful affirmative action; and Federal RIFs of minorities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, Post Office Box 95, East Falmouth, Massachusetts 02536, (617) 548-5123 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

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

Dated at Washington, D.C., April 5, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-9287 Filed 4-7-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of Industrial Economics

Motorcycle Industry, Prospects for Adjustment Assistance for Firms

The Department of Commerce, pursuant to Section 264 of the Trade Act of 1974, has conducted a study of firms in the motorcycle industry; such a study is required whenever the U.S. International Trade Commission (ITC) begins an investigation under Section 201 of the Trade Act.

In its report issued in February 1983, the Commission determined by a two-to-one vote that heavyweight motorcycles are being imported into the United States in such increased quantities as to threaten serious injury to the domestic industry producing like or directly competitive articles. Heavyweight motorcycles were defined by the Commission as those having engines with total piston displacement of over 700 cubic centimeters.

The two Commissioners who voted affirmatively in the decision recommended that in order to prevent serious injury to the domestic industry, relief take the form of duties, in addition to the existing rates, amounting to 45 percent ad valorem in the first year, decreasing annually to 35 percent, 20 percent, 15 percent, and 10 percent in the next four years on heavyweight motorcycles provided for in item 692.50 of the Tariff Schedules of the United States.

According to Section 202 of the 1974 Trade Act, the President shall determine, within 60 days after receiving a report from the Commission containing an affirmative finding, whether to provide import relief and what methods and amounts of import relief will be provided.

Presently, three firms manufacture motorcycles (excluding mopeds) in the United States. Two of these are subsidiaries of Japanese firms while the other is the sole remaining American-owned producer. Current production for two of the firms is primarily of motocycles over 850cc; the third produces mostly medium-weight motorcycles.

In 1981, total imports of heavyweight motorcycles were $440 million. Japanese imports of heavyweight motorcycles accounted for over 90 percent of total imports by both value and quantity. Imports of motorcycles over 700cc increased 32 percent between 1977 and 1981 to 202,399 units and increased 21 percent for the first three quarters of 1982 from the corresponding period in 1981. Domestic shipments increased between 1977 and 1981, then declined between 1981 and 1982.

Under Section 251 of the Trade Act of 1974, a firm may petition the Department of Commerce to be certified as eligible to apply for trade adjustment assistance; certification requires that increased imports of articles like or directly competitive with those produced by the petitioning firm contributed importantly to: (1) Absolute declines in sales or production, or both, and (2) the separation, or threat of separation, of a significant number or proportion of its workers. A trade-impacted producer may petition the Department for certification at any time regardless of a prospective Commission finding or its results.

As of the date of this report, no petitions for certification have been filed by domestic motorcycle producers, and no firms in the industry have been certified. Based on employment, sales, production, and import data obtained by ITC in its investigation, it appears likely that the one American-owned firm could be certified as eligible for adjustment assistance if it applied, while the other two firms could not be certified.

The program of adjustment assistance for firms authorized by the Trade Act under Title II, Chapter 3, and administered by the International Trade Administration (ITA) in the Department of Commerce, may provide either financial assistance or technical assistance, or both. Financial assistance may take the form of direct loans or loan guarantees, or both, and may be used for the acquisition, construction, installation, modernization, expansion, or conversion of fixed assets, or for working capital necessary for a firm to implement its adjustment plan. Technical assistance may be used for management and operational assistance, feasibility studies and related research to aid in developing and implementing a firm's recovery plan.

Under the Public Works and Economic Development Act of 1965 (PWEDA), as amended, direct and indirect assistance to firms is available without Trade Act certification. Firms located in EDA-designated "redevelopment areas" and "economic development centers" can benefit directly from business development loans and guarantees. There is doubt, however, as to EDA's ability to provide loan or guarantee assistance this fiscal year (FY 1983) or thereafter. It may be possible for firms also to benefit indirectly from public works financing. Under PWEDA, neither grants, loans nor guarantees can be used to assist industries found to have long-term

overcapacity. However, PWEDA does authorize technical assistance to firms regardless of location, and grants of loanable funds to communities with actual or threatened unemployment.

The Farmers Home Administration (FmHA) of the Department of Agriculture has a program which may benefit firms in the motorcycle industry. Loan guarantees are available to businesses located in areas other than cities with a population over 50,000. This would include plants in Marysville, Ohio, Tomahawk, Wisconsin, and Springettesbury, Pennsylvania. As with EDA business loans, however, these guarantees are not available to firms in industries characterized by long-term overcapacity. FmHA can also make loans to public bodies, such as local governments and development organizations, in areas other than cities of over 20,000 population.

The Small Business Administration (SBA) administers three programs of potential assistance to small businesses; however, all three producers would fail to qualify as a "small business" under the SBA definition.

Addition copies of the report, Prospects for Adjustment Assistance for Firms in the Motorcycle Industry, are available from Kevin Ellis, Office of Consumer Goods and Service Industries, Room 4319, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5127.

Kenneth M. Brown,

Acting Director, Bureau of Industrial Economics.

[FR Doc. 83-9238 Filed 4-7-83; 8:45am]

BILLING CODE 3510-30-M

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments; University of Illinois at Urbana-Champaign

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with Subsections 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

A copy of each application is on file in the department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 1523, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83-148. Applicant: University of Illinois at Urbana-Champaign, Purchasing Division, 223 Administration Building, 506 S.Wright St., Urbana, Ill 61801. Instrument: High Power CW Klystron, Model #2975 with Accessories. Manufacturer: Thomason-CSF, Division Tubes Electronique, France. Intended use of instrument: The instrument is intended to be used as a major component in a high power, cw, radiofrequency source under development. This source will be used jointly by two laboratories for the study of room temperature, cw, electron linac structures appropriate for use in the construction of intermediate and high energy electron accelerators. These studies include measurements of the maximum achievable energy gradient in such structures, the stablization of the resonant frequency, and the control of the amplitude and phase of the rf field in the structure. Application received by Commissioner of Customs: March 22, 1983.

Docket No.: 83-158. Applicant: Harvard University, School of Public Health, Department of Tropical Public Health, 665 Huntington Ave., Boston, MA 92115. Instrument: 150 Longworth Small Mammal Traps and 20 Doors to Longworth Traps. Manufacturer: Penlon, Ltd., United Kingdom. Intended use of instrument: The instrument is intended to be used for year round studies of small mammals in field locations in New England to determine the fluctuations in mammal populations and ectoparasite abundance. Application received by Commissioner of Customs: March 23, 1983.

Docket No.: 83-159. Applicant: The Pennsylvania State University, Material Science and Engineering, University Park, PA 16802. Instrument: Electron Microscope, EM 420T with Accessories. Manufacturer: Philips Gloeilampenfabrieken, The Netherlands. Intended use of instrument: The instrument is intended to be used to examine the whole range of materials, including: metals, ceramics, polymers, carbonaceous materials, minerals and biological materials. The major usage is in microstructural characterization (in terms of phases present, defects, chemistry, etc.). This information can be related to mechanical properties, electronic properties, optical properties etc. In addition the instrument is to be used for the following undergraduate courses: Metal 405—Physical Metallurgy; Material Science 411b—Transmission Electron Microscopy; and Material Science 403—Microscopy of materials. Application received by Commissioner of Customs: March 22, 1983.

Docket No.: 83-160. Applicant: University of Illinois at Chicago, Office of Business Affairs, Health Science Center, 833 S. Wood, Chicago, Ill 60612. Instrument: Electron Microscope, EM 410 and Accessories. Manufacturer: Philips Electronic Instruments Inc., The Netherlands. Intended use of instrument: The instrument will be used to provide subcelluar data that will be helpful in providing final diagnosis of disease processes in the hospital patients population. Training of residents and senior medical students will be simulataneously accomplished as a major educational objective. Application received by Commissioner of Customs: March 23, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-9239 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-25-M

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: The Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls

applicable to computer peripherals, components and related test equipment, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and Place: April 27, 1983, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 1851, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Agenda:

General Session

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Review of the Committee charter and organization.
(4) Discussion of the January 1983 Committee report.
(5) A review of subcommittee activities:
a. Memory and Media,
b. Foreign Availability,
c. Display and Terminals, and
d. Export Regulations.
(6) Review of MCTL limplementation program.
(7) New Business.

Executive Session

(8) Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

Supplementary Information: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202–377–4217.

For Further Information or Copies of the Minutes Contact: Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

Dated: April 4, 1983.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 83-9254 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determination; Carbon Black From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Mexico of carbon black, as described in the "Scope of Investigation" section of this notice. The estimated net bounty or grant is 1.55 percent *ad valorem*. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the merchandise subject to this investigation which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or the posting of a bond on this merchandise in an amount equal to the estimated net bounty or grant. If this investigation proceeds normally, we will make our final determination by June 16, 1983.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill or Deborah A. Semb, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–1273.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that the government of Mexico provides certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), to manufacturers, producers, or exporters in Mexico of carbon black, as described in the "Scope of Investigation" section of this notice. We estimate the net bounty or grant to be 1.55 percent *ad valorem*.

Case History

On November 3, 1982, we received a petition from the Cabot Corporation on behalf of the U.S. industry producing carbon black. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Mexico of carbon black receive, directly or indirectly, bounties or grants within the meaning of section 303 of the Act. We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on November 26, 1982, we started an investigation (47 FR 54526). We stated that we expected to issue a preliminary determination by February 1, 1983.

On January 6, 1983, we postponed the preliminary countervailing duty determination to not later than April 4, 1983 (48 FR 1529). Under section 703(c)(1)(B) of the Act, we determined that the case is extraordinarily complicated because the alleged subsidy practices are numerous and complex and present novel issues. We determined that the government of Mexico and the other parties concerned were cooperating, and that additional time was necessary to make the preliminary determination.

Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and therefore section 303 of the Act applies to this investigation. The merchandise being investigated in nondutiable. However, there are no "international obligations" within the meaning of section 303(a)(2) of the Act which require an injury determination for nondutiable merchandise from Mexico.

Therefore, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

On December 6, 1982, we presented a questionnaire concerning the allegations in the petition to the government of Mexico at its embassy in Washington, D.C. and requested a response from them by January 7, 1983. In a letter dated December 17, 1982, the government of Mexico requested a postponement of the date for the preliminary determination and alleged that the case is "extraordinarily complicated" under section 703(c)(1)(B) of the Act.

The government of Mexico submitted a response to our questionnaire on February 4, 1983. Additional information

was supplied on March 8, 1983. After reviewing the government of Mexico's response, we requested additional information in letters dated March 9 and 18, 1983. We received responses to these on March 18, and 25, 1983.

Scope of Investigation

The merchandise covered by this investigation consists of carbon black. Carbon black is currently classified under item number 473.0400 of the *Tariff Schedules of the United States Annotated*. Carbon black is elemental carbon, with some incidental or planned surface oxidation, that is formed under the controlled cracking, heating and cooling of a petroleum derivative feedstock.

Hules Mexicanos and NEGROMEX, S.A. de C.V. are the only known producers and exporters in Mexico of the carbon black which was exported to the United States. The period for which we are measuring subsidization is January through September of 1982.

Analysis of Programs

Based on our analysis to date of the petition and the response to our questionnaire, we have preliminarily determined the following:

I. Programs Preliminarily Determined to Confer Bounties or Grants

We preliminarily determine that bounties or grants are being provided to manufacturers, producers, or exporters in Mexico of carbon black under the following programs:

A. *Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX).* FOMEX is a trust established by the government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury Department, with the Bank of Mexico acting as the trustee. The Bank of Mexico administers the financing of FOMEX loans through financial institutions. The financial institutions establish contracts for lines of credit with manufacturers and exporters of merchandise.

Two types of FOMEX financing are available: pre-export (production) financing and export financing. In order for a company to be eligible for FOMEX financing, the following requirements must be met: (1) The product to be manufactured must be included on a list made public by FOMEX; (2) the articles to be exported must have at least 30 percent national content in direct production costs; (3) pre-export loans must be in Mexican currency, while loans for export sales may be in U.S. dollars or any other foreign currency acceptable to the Bank of Mexico; and (4) the exporter must carry insurance against commercial risks to the extent of the loans. The maximum annual interest rate that credit institutions may charge borrowers for FOMEX pre-export financing is 8 percent, in Mexican pesos. The maximum annual interest rate for FOMEX export financing is 6 percent.

According to the Mexican government's response, the carbon black industry received only pre-export financing from FOMEX at the maximum interest rate of 8 percent. Since FOMEX pre-export financing provides loans for export related purposes at interest rates significantly less than those for comparable commercially available loans, we preliminarily determine that this program confers a bounty or grant.

As a benchmark for the commercial peso rate of interest, we used the national average commercial interest rate for comparable short-term peso loans during the period January through September of 1982. On the basis of information supplied by the U.S. Department of the Treasury, we preliminarily determine the average short-term commercial peso interest rate for this period is 59.32 percent. Using the Department's standard short-term loan methodology, we calculated the benefit of the FOMEX loans and allocated this benefit over the value of Hules Mexicanos' and NEGROMEX's total exports of carbon black. Total exports were used because FOMEX financing operates and is intended to stimulate export performance over domestic sales. On this basis, we calculated an *ad valorem* benefit of 1.02 percent.

B. *Preferential Prices on Petroleum Products, Natural Gas, and Electric Power Used to Produce Carbon Black.* In Mexico, Petroleos Mexicanos (PEMEX) is the special government entity which owns and controls production of petroleum products including carbon black feedstock and natural gas, used as an energy source in producing carbon black. The petitioner alleges that under the National Industrial Development Plan (NIDP) the Mexican government, through PEMEX, maintains a price structure for petroleum and natural gas which operates to establish a two-tier system of benefits to the carbon black industry. The alleged first-tier benefit results from the difference between the government-controlled domestic prices on petroleum and natural gas paid by Mexican carbon black producers and the higher "world market prices" paid by U.S. producers. The alleged second-tier benefit consists of a preferential 30 percent discount on the controlled national prices of carbon black petroleum feedstock and natural gas. This price discount is given by the Mexican government to qualifying industries, including carbon black, which are located in certain priority development regions established under the NIDP.

Regarding the first-tier benefit, the prices of Mexican petroleum feedstock and natural gas in the export market were substantially higher than the domestic prices of petroleum feedstock and natural gas within Mexico during the period for which we are measuring subsidization. The existence of a price differential between export and domestic sales of petroleum feedstock and natural gas, however, does not in and of itself confer a bounty or grant on carbon black producers within Mexico. Rather, we follow the criteria in section 771(5) of the Act to determine whether this practice confers either an export or domestic bounty or grant. While this investigation is governed procedurally by section 303 of the Act, the analysis of programs is based on Title VII of the Act (*see* section 103(b) of the Trade Agreements Act of 1979).

On this basis, we preliminarily determine that the pricing differential for export and domestic sales of Mexican petroleum feedstock and natural gas confers neither an export subsidy nor a domestic subsidy upon the Mexican carbon black industry. The pricing differential does not confer a benefit contingent upon export performance, or stimulate export sales of carbon black over domestic sales. Nor does it benefit a "specific enterprise or industry or group of enterprises or industries" within Mexico.

In addition to the export and domestic pricing differential described above, we have found that there are two categories of natural gas prices in Mexico, one for industrial use and another for residential use. Both are set by the Direccion General de Precios of the Secretaria de Commercio. The industrial use category is applicable to gas sold for industrial purposes, while the residential use category applies to gas sold to residential, commercial and service users.

According to the Mexican government, all industrial users of natural gas not receiving sectoral or regional discounts under the NIDP are charged the same price for this product (*see* analysis of second-tier regional benefit below). In this case, the response shows prices for natural gas paid by the carbon black industry to be the same as the country-wide rate for all industrial users, before regional discounts are taken into consideration. Since all industrial users of natural gas can obtain this good at the same price,

natural gas is not provided at a preferential price to a "specific enterprise or industry, or group of enterprises or industries" under section 771(5)(B) of the Act. In addition, the price to all industrial users of natural gas is not contingent upon export performance. Nor do we have any information that the pricing policy for industrial users is operated to stimulate export sales over domestic sales. Therefore, the difference between the prices of natural gas to residential users and to industrial users confers neither a domestic nor an export bounty or grant.

The alleged second-tier benefit consists of a preferential 30 percent discount on the controlled national prices of carbon black petroleum feedstock and natural gas granted under the NIDP by the Mexican government to selected industries, including the carbon black industry, located in certain regions. We learned that such discounts may be granted to such industries for electric power and other petrochemical products as well.

The criteria for price differentials of these products under the NIDP are contained in the Regulations Regarding Price Differentials published in the *Diario Oficial de la Federacion (Diario Oficial)* on December 29, 1978, and June 19 and 21, 1979. Articles 8 and 9 allow 30 percent discounts on the cost of industrial energy or basic petrochemical products under certain conditions to firms located in Priority Zone 1A. Article 9A exempts companies established in priority zones from the Electric Energy Contractual Fee. Article 9C allows companies located in Priority Zone 1B that develop new industrial plants to receive a 30 percent discount on two of the following inputs: electric power, natural gas, combustibles or basic petrochemical products. Articles 8 and 9A through 9D appear to confer regional bounties or grants, while Article 9 appears to confer an export bounty or grant since one of its prerequisites is an export commitment.

The response states that Hules Mexicanos has a carbon black plant located in a priority zone and receives a 30 percent discount (more specifically, an "offset in subsequent bills" equal to 30 percent of prior bills) only on its natural gas costs and its electric power rates. According to our information, the carbon black plant is located in Priority Zone 1B. Based upon this information, we preliminarily determine that the carbon black industry has received regional domestic bounties or grants through the provision of preferential prices for natural gas and electric power.

To calculate the total benefit, we allocated the benefits received for carbon black production during the period for which we are measuring subsidization over the total sales value of carbon black during this period. The Mexican government's response states that the carbon black industry received the 30 percent discounts during the period for which we are measuring subsidization. Counsel for the respondents indicates instead that the industry began receiving these benefits only in September 1982. Our information indicates that these benefits are still being received. For purposes of this preliminary determination, we calculated a value of the benefit for nine months, the length of the period for which we are measuring subsidization. We preliminarily determine the net benefit for the regional price differential on natural gas to be 0.23 percent *ad valorem* and the net benefit for the regional price differential on electric power to be 0.30 percent *ad valorem*, for a total bounty or grant 0.53 percent *ad valorem*.

II. Program determined to be Suspended

The Certificado de Devolucion de Impuesto (CEDI) is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b. value of the exported merchandise or, if national insurance and transportation are used, a percentage of the c.i.f. value of the exported product. The CEDIs are non-transferable and may be applied against a wide range of various federal tax liabilities (including payroll taxes, value-added taxes, federal income taxes, and import duties) over a period of five years from the date of issuance.

The government of Mexico suspended the eligibility of the product under investigation for CEDI tax rebates by an Executive Order published on august 25, 1982, in the *Diario Oficial*. The order abrogates prior executive orders which contained the list of products eligible to receive CEDI certificates. Suspension of the eligibility to apply for the CEDI was effective one day after publication of the executive order in the *Diario Oficial*.

Although exporters of the merchandise under investigation received benefits under the CEDI program during the first half of 1982, the CEDI ceased to be available after August 25, 1982. Because exporters use the CEDI certificates on a current basis, the carbon black that was accorded benefits under this program is not likely to enter the United States on or after the date of suspension of liquidation of the merchandise.

Therefore, although the CEDI program would be countervailable, we are not setting a cash deposit rate for it. If an order is issued and this program is reactivated the Department will review its application to respondents in the annual reviews under section 751 of the Act.

III. Programs Preliminary Determined Not To Confer Bounties or Grants

We preliminarily determine that the programs listed below which were listed in the notice of "Initiation of Countervailing Duty Investigation—Carbon Black from Mexico" (47 FR 54526) do not confer bounties or grants to the manufacturers, producers, or exporters in Mexico of carbon black.

A. *Dual Currency Exchange Rate System.* The petitioner alleges that the carbon black industry may have received exchange rate benefits on exports because of Mexico's dual exchange rate system. According to the response, Mexican exporters of carbon black who receive U.S. dollars for their products must deposit these dollars in accounts where they are exchanged for pesos at a "controlled" rate. Currently, the controlled rate is significantly less than the "free" rate of exchange. Thus, this program appears to harm rather than benefit Mexican exporters. Therefore, we preliminarily determine that the dual level currency exchange system does not confer a bounty or grant upon the manufacture, production, or exportation of carbon black from Mexico.

B. *Preferential Rates on Commercial Risk Insurance.* The petitioner alleges that the carbon black industry has benefited from preferential rates on commercial risk insurance through the Compania Mexicana de Seguros de Credito (COMESEC). COMESEC, which provides export insurance was specifically established by law although owned by private insurance companies. In the Department's previous determination, *Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders: Toy Balloons (Including Punchballs) and Playballs from Mexico* (47 FR 57532), we determined that COMESEC did not provide a bounty or grant to manufacturers, producers, or exporters of the subject merchandise in those investigations. We determined that the premium rates that COMESEC charged the manufacturers, producers, or exporters cover COMESEC's operating costs and losses for insurance operations.

In addition, the response states that Hules Mexicanos and NEGROMEX did

not receive preferential prices on their insurance obtained from COMESEC. We preliminary determine that this program does not confer a bounty or grant on the Mexican producers of carbon black.

IV. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that the programs listed below which were listed in the notice of "Initiation of Countervailing Duty Investigation—Carbon Black from Mexico" (47 FR 54526) are not being used by the manufacturers, producers, or exporters in Mexico of carbon black.

A. *Preferential Benefits from Government Shareholding in the Two Mexican Carbon Black Producers.* The petitioner alleges that Hules Mexicanos and NEGROMEX, the two known producers of carbon black, have received preferential benefits because of government shareholding in each company. As is well established shareholding in each company. As is well established, government ownership *per se* is not a bounty or grant. PEMEX owns 60 percent of Hules Mexicanos. The response states that the Nacional Financiera (NAFINSA), "an agency of the Federal Government, holds 10 percent of the shares of NEGROMEX." According to the response, the carbon black industry has not received preferential benefits because of government shareholding in the industry.

B. *Preferential Federal and State Tax Incentives.* According to the response, the carbon black industry received neither federal tax certificates, known as Certificates of Fiscal Promotion (CEPROFIs), nor state or local tax incentives or special treatment on real estate or local infrastructure taxes.

C. *FOGAIN and FOMIN Preferential Financing.* The response states that the carbon black industry did not receive preferential financing from the Guarantees and Development Fund for Medium and Small Industry (FOGAIN), or from the National Industrial Development Fund (FOMIN).

D. *Internal Transportation Benefits.* According to the response, the carbon black industry has not received freight rebates or discounts for transporting carbon black for export by rail to border areas in Mexico.

E. *Preferential Credits for Export Production.* The response states that the carbon black industry has not received preferential credits through the Industrial Equipment Fund Providing Credit for Production of Exports (FONEI).

F. *Preferential Export Marketing Benefits.* According to the response, neither Hules Mexicanos nor NEGROMEX received export assistance through the Instituto Mexicano de Comercio Exterior (IMCE) or indirect tax rebates from the Mexican government for export trading companies.

G. *Import Duty Rebates on Equipment Used in Export Production.* The response states that the carbon black industry did not receive benefits under the foreign investment law, which allows for import duty reductions on imported equipment used to increase production of exports.

V. Programs for Which Additional Information is Needed

We will seek further information on the following programs before reaching our final determination in this investigation.

A. *Additional Regional Development Benefits.* In addition to the regional development program benefits described in the section of this notice titled "Preferential Prices on Petroleum Products, Natural Gas, and Electric Power Used to Produce Carbon Black," the Regulations Regarding Price Differentials may provide certain other benefits constituting either domestic or export bounties or grants to industries located in designated priority development zones. We will seek additional information regarding these programs and verify whether or not they are being used by the respondents.

B. *Exemption from Revenue Tax on Carbon Black Feedstock and Natural Gas Purchases.* The petitioner recently alleged that the carbon black industry receives a bounty or grant because it does not pay a 27 percent sales tax on purchases of carbon black feedstock and natural gas from PEMEX. We currently lack sufficient information to determine whether or not the carbon black industry pays this 27 percent sales tax. We will seek further information on this issue before our final determinaiton.

Verification

In accordance with section 776(a) of the Act, we will verify the information used in making our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of carbon black from Mexico which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**, and to require a cash deposit or the posting of a bond for each such entry of the merchandise in the amount of 1.55 percent *ad valorem*.

This suspension shall remain in effect until further notice.

Public Comment

In accordance with § 355.35 of the Commerce Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on May 11, 1983, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by May 4, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.34, within 30 days of this notice's publication, at the above address and in at least 10 copies.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

April 4, 1983.

[FR Doc. 83-9280 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-25-M

[A-122-005-001]

Carbon Steel Bars and Structural Shapes From Canada; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On December 16, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on carbon steel bars and structural shapes from Canada. The review covers the only manufacturer covered by the finding, Western Canada Steel Limited, for the period September 1, 1980 through August 31, 1981, and three 1978 shipments by Western Canada Steel excluded from the last administrative review. It also covers the five other

known exporters of carbon steel bars and structural shapes manufactured by Western Canada Steel for various periods through August 31, 1981

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments. With the exception of shortening certain time periods reviewed, the final results of review are the same as those presented in the preliminary results of review.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–5255.

SUPPLEMENTARY INFORMATION:

Background

On September 25, 1964, the Treasury Department published in the **Federal Register** (29 FR 13319) an antidumping finding with respect to carbon steel bars and structural shapes from Canada. On December 16, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 56376) the preliminary results of its last administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, currently classifiable under item numbers 606.8300 and 609.8000 of the Tariff Schedules of the United States Annotated, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada.

The review covers Western Canada Steel for the period September 1, 1980 through August 31, 1981, and three 1978 shipments by Western Canada Steel excluded from the last administrative review. It also covers the five other known exporters to the U.S. of this merchandise for various periods through August 3, 1981.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for a hearing. However, since publication the Customs Service notified us of additional shipments by the five exporters that had not been reported to us previously. The five exporters had reported shipments for which they still had records and we reviewed only those shipments in the preliminary results. Because of the newly discovered shipments, we are deferring some time periods to a subsequent review. Based on our analysis, with the exception of the changes in time periods reviewed, the final results of our review are the same as those presented in the preliminary results of review, and we determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Western Canada Steel, Ltd	09/01/80–08/31/81	40.64
Western Canada/A. J. Forsyth Co., Ltd	10/01/78–08/31/80	0.00
	09/01/80–08/31/81	[1]0.01
Western Canada/ Mitsubishi Canada Ltd	02/01/79–08/31/80	0.00
	09/01/80–08/31/81	[1]0.01
Western Canada/Mitsui & Co. (Canada) Ltd	09/01/78–08/31/80	0.00
	09/01/80–08/31/81	[1]0.01
Western Canada/Tudor Sales, Ltd	09/01/76–08/31/78	0.00
	09/01/78–08/31/79	0.02
	09/01/79–08/31/80	0.02
	09/01/80–08/31/81	0.01
Western Canada/Cam Chain Co., Ltd	09/01/79–08/31/80	1.33
	09/01/80–08/31/81	1.33

[1] No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the most recent of the above margins shall be required on all shipments of Canadian carbon steel bars and structural shapes from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For any shipment from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after the most recent period reviewed and who is unrelated to any covered firm, a cash deposit of 40.64 percent shall be required on future entries. Since the most recent margins for A.J. Forsyth Co., Ltd., Mitsubishi Canada Ltd., Mitsui & Co. (Canada) Ltd., and Tudor Sales Ltd. are less than 0.5 percent, and therefore *de minimis* for purposes of cash deposit, the Department shall waive the deposit requirements for these firms.

These deposit requirements and waivers shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of September 1983. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: March 30, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-0255 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Pork Rind Pellets From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Mexico of pork rind pellets receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination on or before June 7, 1983.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Rick Herring, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone (202) 377–3963.

SUPPLEMENTARY INFORMATION:

Petition

On March 14, 1983, we received a petition from counsel for Evans Food Products Company filed on behalf of the U.S. industry producing pork rind pellets. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Mexico of pork rind pellets receive bounties or

grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and therefore section 303 of the Act applies to this investigation. Under this section, since the merchandise being investigated is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

Initiation of Investigation

Under Section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on pork rind pellets, and we have found that the petition meets these requirements.

Therefore we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Mexico of pork rind pellets, as described in the "Scope of the Investigation" section of this notice, receive bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by June 7, 1983.

Scope of the Investigation

The merchandise covered by this investigation is pork rind pellets which are currently imported under item 107.3560 of the *Tariff Schedules of the United States Annotated.*

Pork rind pellets are produced by cooking pork skins at very high temperatures. For pork rind pellets to be imported from Mexico, they must be made from either American or Canadian pork skin.

Allegations of Bounties or Grants

The petition alleges that manufacturers, producers, or exporters in Mexico of pork rind pellets receive the following benefits which constitute bounties or grants: preferential financing; investiment and development assistance; tax certificates for exports; preferential exchange rates; import duty reductions and exemptions; preferential insurance rates; market development and promotion assistance and; preferential prices for energy supplies.

Dated: April 4, 1983.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-9260 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-25-M

[A-041-021]

Pig Iron From Finland; Preliminary Results Of Administrative Review Of Antidumping Finding and Tentative Determination To Revoke

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding and tentative determination to revoke.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from Finland. The review covers the only known exporter of this merchandise to the United States, Ovako Oy Ab, and the period July 1, 1981 through June 30, 1982. There were no known shipments of this merchandise to the United States during the period, and there are no known unliquidated entries.

As a result of the review, the Department has tentatively determined to revoke the finding. There have been no shipments of this merchandise to the United States for at least eight years and the last sale, in October 1974, was at not less than fair value. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Alfredo Montemayor or Susan Crawford, Office of Compliance, Interantional Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On February 4, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 5279) the final results of its last administrative review of the antidumping finding on pig iron from Finland (46 FR 42315, July 24, 1971) and announced its intent to conduct the next administrative review by the end of July 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated.

The Department knows of only one exporter of Finnish pig iron to the United States, Ovako Oy Ab. The review covers the period July 1, 1981 through June 30, 1982. There were no known shipments to the United States during the period and there are no known unliquidated entries.

Preliminary Results of Review and Tentative Determination to Revoke

There have been no shipments of this merchandise to the United States for eight years and the last sale by Ovako, in October 1974, was at not less than fair value. We are satisfied that there is no likelihood of resumption of sales of this merchandise to the U.S. at less than fair value. In accordance with § 353.54(c) of the Commerce Regulations, we tentatively determine on our own initiative to revoke the finding on pig iron from Finland. If this revocation is made final it will apply to all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results and tentative determination within 30 days of the date of publication of this notice and may request disclousre and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final result of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review, tentative determination to revoke, and notice are in accordance with sections 751(a)(l) and (c) of the Tariff Act (19 U.S.C. 1675(a)(l), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: March 30, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-9257 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-25-M

Importers and Retailers Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Importers and Retailers' Textile Advisory Committee was established by the Secretary of Commerce on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool, and man-made fiber textile agreements.

TIME AND PLACE: May 10, 1983 at 10:30 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

AGENDA: (1) Review of import trends (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, and (4) Other business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meetings. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377–3737.

Dated: April 15, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83-9281 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-25-M

Management-Labor Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textiles and apparel.

TIME AND PLACE: May 5, 1983 at 1:00 p.m. The meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

AGENDA: (1) Review of import trends (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, and (4) Other business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377–3737.

Dated: April 5, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83-9282 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA Commerce.

ACTION: Notice.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), has established a Scientific and Statistical Committee which will meet to discuss the role of the Scientific and Statistical Committee in relation to the Council, as well as discuss other fishery management matters.

DATES: The public meeting will convene on Wednesday, May 4, 1983, at approximately 10 a.m., and will adjourn at approximately 4 p.m. The meeting may be lengthened or shortended or agenda items rearranged depending upon progress of same, and will take place at the Best Western Airport Inn, Philadelphia International Airport, Philadelphia, Pennsylvania .

FURTHER INFORMATION: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, Delaware 19901, Phone: (302) 674–2331.

Dated: April 5, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-9305 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council's Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), has established a Scientific and Statistical Committee which will meet to discuss a draft five-year master plan; review and make recommendations on public comments to amendment No. 1 of the Spiny Lobster Fishery Management Plan (FMP), and other spiny lobster issues; review methodoloy for certain proposed FY 83 programmatic projects; discuss status of Billfish FMP; review, discuss and comment on progress of Bottomfish Framework FMP, as well as discuss other Committee business.

DATES: The public meetings will convene on Thursday, April 21, 1983, at approximately 10 a.m., and will adjourn at approximately 2:30 p.m., on Friday, April 22, 1983.

ADDRESS: The public meetings will take place at the National Marine Fisheries Service, Southwest Fisheries Center, Honolulu Laboratory, 2570 Dole Street, Honolulu, Hawaii.

FURTHER INFORMATION: Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, Hawaii 96813, Telephone: (808) 523–1368.

Dated: April 15, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-9306 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government

Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

Department of Agriculture

SN 6-441,198 Carriage for Cable Logging System.

Department of Health and Human Services

SN 6-427,857 Dimeric Enkephalins.

SN 6-468,590 Repair of Tissue in Animals.

SN 6-470,920 Fiber Optic CO_2 Partial Pressure Sensor.

SN 6-475,352 Plasmid Cloning Vector pAS1.

Department of the Interior

SN 6-258,075 (4,362,557) Purifying Titanium-Bearing Slag By Promoted Sulfation.

SN 6-435,534 Selective Recovery of Base Metals and Precious Metals from Ores.

SN 6-435,535 Selective Recovery of Base Metals and Precious Metals from Ores.

SN 6-440,487 Removal of Insulation from Electronic Scrap.

SN 6-440,893 Hydrometallurgical Recovery of Arsenic from Ores and Concentrates.

[FR Doc. 83-9223 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-04-M

COMMODITY FUTURES TRADING COMMISSION

MidAmerica Commodity Exchange; Live Hog Futures Contract

Correction

In FR Doc. 83-8451 appearing on page 14022 in the issue of Friday, April 1, 1983, make the following correction:

In the middle column of page 14022, under "**DATE:**", insert "May 31, 1983".

BILLING CODE 1505-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a proposed collection of information in the form of a rule which would require the manufacturers of certain wood and coal burning appliances to submit to the Commission copies of labels and directions giving needed safety information which they will be required to furnish with the products under 16 CFR Part 1406. (The Commission expects to issue Part 1406 in the near future.) The manufacturers would also be required to submit to the Commission an explanation of how the appropriate clearance distances stated on the labels and directions were determined. The reporting requirement was proposed at 45 FR 76018 (November 17, 1980).

The purpose of this reporting requirement is to determine the extent to which the subject manufacturers are complying with 16 CFR Part 1406. The Commission is requesting approval of the requirement for a period of three years.

Information about the Proposed Collection of Information:

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Reporting Requirement—Coal and Wood Burning Appliances.

Type of request: Approval of new plan.

Frequency of collection: One time, plus updates when new models are introduced or previously submitted materials are changed.

General description of respondents: Manufacturers and importers of coal and wood burning fireplace stoves, heaters, and similar appliances.

Estimated number of respondents: 330.

Estimated average number of hours per response: 2.

Comments: Comments on this proposed collection of information should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503; telephone (202) 395-7313. Copies of the proposed collection of information requirement are available from Francine Shacter, Office of Budget and Program Implementation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: April 4, 1983.

Sheldon Butts,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 83-9283 Filed 4-7-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Community College of the Air Force (CCAF) Advisory Committee; Meeting

The Community College of the Air Force will hold a meeting on May 3, 1983 at 8:30 a.m. in the Conference Room, Number 121, Building 836, located at Maxwell Air Force Base, Montgomery, Alabama.

The meeting is open to the public.

Agenda items include: State of the College, Personnel and Reorganization, Accreditation, Computer, Microform, Affiliated Schools Advisory Panel, and Noncommissioned Officer Professional Military Education Curriculum.

For further information contact Lieutenant Colonel James H. Conely, (205) 293-7937, Community College of the Air Force, Maxwell Air Force Base, Alabama 36112.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-9234 Filed 4-7-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Medical Research and Development Advisory Committee; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Vision and Laser Bioeffects.

Date of meeting: April 30, 1983.

Time and place: 1300 hrs, 1983 Annual Meeting of the Association for Research in Vision and Opthalmology, Sarasota, Florida.

Proposed agenda: This meeting will be open to the public from 1300 to 1430 hrs for the administrative review and discussion of the scientific research program of the Vision and Laser Bioeffects Group, Letterman Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), U.S. Code, Title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1445 to 1800 hrs. and from 1930 to 2100 hrs. for the review, discussion and evaluation of individual

programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual researdh subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. J. Ryan Neville, Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129 (415/561-4367) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC Deputy Commander.

[FR Doc. 83-9247 Filed 4-7-83; 8:45 am]

BILLING CODE 3710-08-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

New

This is an assessment of number of children of Army members and demographic data concerning child, family, and agencies providing services to be used by Health Services Command and Department of Army in respect to decisions related to Army Community Service Centers.

State Social Service Departments, Foster Care Units: 900 respondents, 585 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG-OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695-5111.

Dated: April 5, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-9239 Filed 4-7-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Guaranteed Student Loan Program and PLUS Program

AGENCY: Department of Education.

ACTION: Notice of special allowances for quarter ending March 31, 1983.

SUMMARY: The Assistant Secretary for Postsecondary Education announces a special allowance to holders of eligible loans made under the Guaranteed Student Loan Program (GSLP) or the PLUS Program. This special allowance is provided for under section 438 of the Higher Education Act of 1965 (the Act), as amended (20 U.S.C. 1087-1). Except for loans subject to section 438(b)(2)(B) of the Act, 20 U.S.C. 1087-1(b)(2)(B), for the quarter ending March 31, 1983, the special allowance will be paid at the following rates:

[Percent]

	Applicable interest rate	Annual special allowance rate	Special allowance rate for quarter ending Mar. 31, 1983
GSLP loans or PLUS loans made prior to Oct. 1, 1981	7	5.00	1.25
	9	3.00	0.75
GSLP loans or PLUS loans made on or after Oct. 1, 1981	7	4.89	1.2225
	9	2.89	0.7225
	12	0.00	0.00
	14	0.00	0.00

The Assistant Secretary determines the special allowance rate in the manner specified in the Act, for loans at each applicable interest rate by making the following four calculations:

(a) *Step 1.*

Determine the average bond equivalent rate of the 91-day Treasury bills auctioned during the quarter for which this notice applies;

(b) *Step 2.*

Subtract from that average the applicable interest rate (7, 9, 12, or 14 percent) of loans for which a holder is requesting payment;

(c) *Step 3.*

(1) Add 3.5 percent to the remainder; and

(2) In the case of loans made before October 1, 1981, round the sum upward to the nearest one-eighth of one percent;

(d) *Step 4.*

Divide the resulting percent in Step 3 (either (c)(1) or (c)(2), as applicable) by four.

FOR FURTHER INFORMATION CONTACT: Andrejs Penikis, Program Specialist, or Larry Oxendine, Chief, Policy Section, Guaranteed Student Loan Branch, Division of Policy and Program Development, Department of Education on (202) 245-2475.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program and PLUS Program)

Dated: April 5, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-9274 Filed 4-7-83; 8:45 am]

BILLING CODE 4000-01-M

Intergovernmental Advisory Council on Education; Hearing

AGENCY: Intergovernmental Advisory Council on Education.

ACTION: Notice of hearing.

SUMMARY: This notice sets forth the schedule for a hearing of the Intergovernmental Advisory Council on Education. Notice of this hearing is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: May 12, 1983

ADDRESS: Boston University, George Sherman Union Building, Conference Auditorium, 2nd Floor, 775 Commonwealth Avenue, Boston Massachysetts 02215.

FOR FURTHER INFOMATION CONTACT: Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C. 20202 (202) 472-6464.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education is established under Section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council is established to provide

assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations pertaining to education.

The Intergovernmental Advisory Council on Education will conduct a Public Hearing on May 12, 1983. The hearing schedule is as follows:

9:00–10:00 a.m.—Impact of block Grant Programs

10:30–10:45 a.m.—Break

10:45–12 noon—Federal Role in Education

12:00–1:30 p.m.—Lunch

1:30–3:30 p.m.—Tuition Tax Credits

Individuals, organizations and associations need to *preregister* for the May 12 hearing. To preregister, due to limited space and time, write Mr. Russ Ruffino, Special Assistant, Region I, Department of Education, John W. McCormack Post Office and Courthouse, Post Office Square, Room 526, Boston, Massachusetts 02109 (telephone–(617) 223–7500) by May 2, 1983. (Commenters will be limited to five (5) minutes. Each commenter must provide written comments. Those wishing to submit comments only may do so by mailing them to Mr. Ruffino.)

Record are kept of all Council proceedings and are available for public inspection at the office of the Intergovernmental Advisory Council on Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C.

Signed at Washington, D.C. on April 1, 1983.

Wendy Borcherdt,

Acting Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 83-9212 Filed 4-7-83; 8:45 am]

BILLING CODE 4000-01-M

Veterans' Cost-of-Instruction Payments Program—Payments to Institutions of Higher Education; Application Notice for Transmittal of Applications for New Awards for Fiscal Year 1983

Applications for new awards are invited from institutions of higher education under the Veterans' Cost-of-Instruction Payments Program. This program issues awards to institutions or combinations of institutions of higher education to assist them in providing specific services to veterans.

Authority for this program is contained in Section 420 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1070e–1.

Closing Date for Transmittal of Applications

An application for a new award must be mailed or hand delivered by May 20, 1983.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Veterans' Cost-of-Instruction Program Branch (Room 3514, ROB–3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with it local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application to be hand delivered must be taken to the U.S. Department of Education, Veterans' Cost-of-Instruction Program Branch (Room 3514, ROB–3), 7th and D Street, SW., Washington, D.C. Hand delivered applications will not be accepted after 4 p.m. on the closing date.

Program Information and Application Forms

Program information packages and application forms are expected to be ready for mailing by April 8, 1983. They may be obtained by writing to the U.S. Department of Education, Office of Postsecondary Education, Veterans' Cost-of-Instruction Program Branch (Room 3514, ROB–3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Available Funds

There is authorized 3.0 million dollars for new awards under this program in fiscal year 1983. However, President has proposed a budget rescission which would eliminate these funds. If the rescission is not approved, awards could be made to approximately 800 institutions. The deadline in this notice will not be extended, and applicants should prepare and submit applications in accordance with the deadline unless otherwise notified by the Secretary.

Applicable Regulations

The regulations applicable to this Program appear in 34 CFR Part 629.

Further Information

For further information contact Dr. James F. Rogers, Veterans' Cost-of-Instruction Program Branch, U.S. Department of Education (Room 3514, ROB–3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: 202–245–2806.

(20 U.S.C. 1070e–1)

(Catalog of Federal Domestic Assistance Number 84.540; Higher Education Veterans; Cost-of-Instruction Program (VCIP)).

Dated: April 5, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

FR Doc. 83-9273 Filed 4-7-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Damson Oil Corp. and Doram Energy, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Doram Energy, Inc. and Damson Oil Corporation, 396 West Greens Road, Houston, Texas 77067. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.186, 210.62, and 205.202. The principal amount of the alleged violations for the period March through December 1980 is $285,583.48.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002

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, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania

Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Texas on the 28th day of March, 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc.83-9271 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

Gonsoulin Energy Corporation and Gonsoulin Industries, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Gonsoulin Industries, Inc., Route 1, Box 325 Country Drive, Bourg, Louisiana 70343 and Gonsoulin Energy Corporation, 633 North State Street, Suite 405, Jackson, Mississippi 39201. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.186, 210.62, and 205.202. The principal amount of the alleged violations for the period June through December 1980 is $1,795,021.32.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

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, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Texas on the 28th day of March, 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-9272 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-008]

Powerplant and Industrial Fuel Use Act of 1978; Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of approval of conservation plans.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received a number of electric utility conservation plans developed and submitted for DOE approval pursuant to section 808 of the Powerplant and Industrial Fuel Use Act of 1978, as amended, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"). Pursuant to 10 CFR 508.5(b) (47 FR 25729, June 15, 1982), DOE hereby gives Notice of Approval of Conservation Plans submitted by the electric utility owners or operators listed in the **"SUPPLEMENTARY INFORMATION"** section below.

The public file for each of the listed electric utility owners or operators containing this Notice of Approval of Conservation Plans and all other pertinent documents is available for inspection at the Department of Energy, Freedom of Informatin Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, telephone (202) 252-6020. Approval of each conservation plan is based on ERA's consideration of the entire record of the proceeding, including any comments received during the public comment period for each plan.

DATE: In accordance with 10 CFR 508.5(b), this Notice shall take effect on April 18, 1983.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073 G, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-8162.

Allan Stein, Esq., Office of the General Counsel, Forrestal Building, Room 6B-222, 1000 Independence Avnue, SW., Washington, D.C. 20585 (202) 252-2967.

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA), amended FUA by adding a new section 808, entitled "Electric Utility Consrvation Plan."

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. Approved plans must be fully implemented during the five year period following DOE approval.

Notice of Receipt of the proposed conservation plans described below, providing for a thirty (30) day public comment period during which interested persons were invited to submit written comments concerning the content of any such proposed conservation plan, was published in the **Federal Register** on February 24, 1983 (48 FR 7778). No comments on these proposed plans were received.

Based upon the entire record of this proceeding, ERA has determined that the conservation plans of each of the following utilities meet the requirements for approval contained in 10 CFR 508.8. ERA is restricted by the 120 day time limitation imposed by the Act on the plan approval process as to the amount of information which can be analyzed in order to ascertain the environmental significance of approval of these plans. However, based on the information contained in each utility's submittal, ERA has determined, pursuant to 10 CFR 508.5, that the conservation programs contained in the plan of each utility listed below should not produce environmental consequences significant enough to warrant detailed documentation pursuant to the National Evironmental Policy Act or its implementing regulations (40 CFR Part 1500 *et seq.*). Thus this action clearly does not represent a major Federal action siginificantly affecting the quality of the human environment. Pursuant to 10 CFR 508.5 and section 808(d)(1) of FUA, DOE hereby approves the electric utility conservation plans submitted by the utilities listed below.

Each of the electric utilities whose plans are approved herein shall annually submit a report to ERA pursuant to 10 CFR 508.7 (47 FR 25733, June 15, 1982) identifying the steps taken during the preceding year to implement its approved plan. Each such report shall be submitted within thirty (30) days after the close of a calendar year, beginning with the close of calendar year 1983. The report shall be sent to: Steven E. Ferguson, Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-093, 1000 Independence Avenue, SW., Washington, D.C. 20585.

The following utilities' conservation plans are approved:

Utilities	FC Case No.
City of Fairbury, Nebr	50938-9999-99-49
City of Hearne, Tex	51273-9999-99-49
City of Houma, La	51349-9999-99-49

Utilities	FC Case No.
Sierra Pacific Power Co., Reno, Nev	52658-9999-99-49

Issued in Washington, D.C. on March 30, 1983.

Robert I. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 9259-4 Filed 9259-4-7-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

American Statistical Association Committee on Energy Statistics

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the American Statistical Association's Committee on Energy Statistics will meet with representatives of the Energy Information Administration (EIA) on Thursday, April 28, 1983, at the Hotel Washington, Pennsylvania Avenue and F Streets, Northwest, Washington, D.C., from 1:30 p.m. to approximately 5:00 p.m. The meeting will continue on Friday, April 29, 1983, in the Hotel Washington, from 9:00 a.m. until approximately 3:30 p.m.

The purpose of the meeting is to enable the EIA to utilize the American Statistical Association's Committee on Energy Statistics to obtain advice on EIA programs and to benefit from the Committee's expertise concerning other energy statistical matters.

The tentative agenda is as follows:

A. Opening Remarks

B. Major Topics:

1. Update: Quality Assurance Activities in the Petroleum Supply Division;
2. Analysis of Investor Perceptions of Electric Power;
3. Unresolved Methodological Issues in U.S.-Canadian Electricity Trade;
4. Progress Report: Petroleum Imports Consolidation Study;
5. Findings and Issues from the 1982 State-of-the-Data Report;
6. Potential Application of Superpopulation Models to Weekly Petroleum Surveys;
7. Approaches to Deriving End-Use Consumption Estimates in the Residential Sector from RECS Annual Data;
8. Issues in Conducting Empirical Research on Sampling of Multiple Attributes;
9. Problems in Estimating Industrial Demand.

C. Public Comments

D. Topics for Future Meetings

The meeting is open to the public. Any member of the public may file a written statement with the EIA for forwarding to the Committee, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should inform Ms. Kathleen Repass Weigl, EIA Committee Liaison, (202) 252-6463, or Dr. Fred C. Leone, Executive Director of the American Statistical Association, (202) 393-3253, at least five days prior to the meeting and reasonable provisions will be made to include their presentations on the agenda. Subsequent to approval by the Committee, minutes of an executive summary of the meeting will be available for public review and copying at the Office of Planning and Resources, EI-32, EIA, 1000 Independence Avenue, SW., Room 2H-055, Washington, D.C. 20585, (202) 252-6460, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

Issued at Washington, D.C. on March 30, 1983.

J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc. 83-9286 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of March 4 Through March 11, 1983

During the Week of March 4 through March 11, 1983, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whchever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: March 31, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of March 4 through March 11, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 7, 1983	Anschultz Petroleum marketing, Inc., Washington, D.C.	HRD-0110, HRH-0110	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Anschultz Petroleum Marketing, Inc. in response to the Proposed Remedial Order issued to it (Case No. HRO-0109).
Do	Economic regulatory Administration/Marathon Oil Company, Washington, D.C.	HRJ-0033	Request for Protective order. If granted: The Economic Regulatory Administration would enter into a Protective Order with Marathon Oil Company regarding the release of proprietary information to Marathon Oil Company in connection with the Statement of Objections submitted by marathon in response to the Proposed Remedial Order issued to it (Case No. BRO-0083).
Do	Economic Regulatory Administration/Murphy Oil Company, Washington, D.C.	HRJ-0034	Request for Protective Order. If granted: The Economic Regulatory Administration would enter into a Protective Order with Murphy Oil Company regarding the release of proprietary information to Murphy Oil Company in connection with the firm's Statement of Objections to the Proposed Remedial Order (Case No. HRO-0984).
Do	Elliot, Fund for Open Info Accountability, New York, New York	HFA-0125	Appeal of an Information Request Denial. If granted: Elliot and the Fund for Open Info Accountability would receive access to certain DOE information regarding health studies conducted in 1964 on Bikini Island.
Do	Fred C. Hart Associates, Washington, D.C.	HFA-0214	Appeal of an Information Request Denial. If granted: The February 2, 1983 Information Request Denial issued by the Albuquerque Operations Office would be rescinded and Fred C. Hart Associates would receive access to undeleted copies of records regarding the DOE contract with Rockwell International, Contract No. DE AC-76OP03533.
Do	Office of Special Counsel/Atlantic Richfield Company, Washington, D.C.	HRZ-0139	Interlocutory Order. If granted: The Office of Hearings and Appeals would strike certain portions of the Statement of Legal Objections filed by the Atlantic Richfield Company (Case No. DRO-0193).

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of March 4 through March 11, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 8, 1983	Brownlie, Wallace, Armstrong & Bander, Inc., Englewood, Colorado.	HRD-0112, HRH-0112.	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Brownlie, Wallace, Armstrong & Bander, Inc. in response to the Proposed Remedial Order issued to that firm (Case No. HRO-0112).
Mar. 10, 1983	Office of Special Counsel, Washington, D.C.	HRZ-0140	Interlocutory Order. If granted: The Office of Hearings and Appeals would resolve certain legal issues in Texaco, Inc. (Case No. DRO-0199) upon request of the Office of Special Counsel.
Mar. 11, 1983	Cities Service Company, Washington, D.C.	HED-0111, HEJ-0035.	Motion for Discovery and Request for Protective Order. If granted: Discovery would be granted to Cities Service Company in connection with the Statement of Objections submitted in response to the Proposed Decision and Order (Case No. BEX-0210) issued to Husky Oil Company. Cities Service Company would enter into a Protective Order with Husky Oil Company regarding the release of proprietary information to Cities Service Company in connection with the Husky Oil Company year end review (Case No. BEX-0210).
Do	Exxon Company, U.S.A., Washington, D.C.	HED-0113, HEJ-0036.	Motion for discovery and Request for Protective Order. If granted: Discovery would be granted to Exxon Company, U.S.A. in connection with the Statement of Objections submitted in response to the Proposed Decision and Order (Case No. BEX-0210) issued to Husky Oil Company. Exxon Company, U.S.A. would enter into a Protective Order with Husky Oil Company regarding the release of proprietary information to Exxon Company, U.S.A. in connection with the Husky Oil Company year end review (Case No. BEX-0210).

REFUND APPLICATIONS RECEIVED

[Week of March 4 to March 11, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No.
Mar. 7, 1983	Charter/National Petroleum Sales	RF23-7
Mar. 8, 1983	Charter/James Petroleum Company	RF23-8
Mar. 9, 1983	Charter/Kent Oil & Trading Company	RF23-9
Feb. 28, 1983	Charter/Carse Oil Company	RF23-10
Mar. 7, 1983 to Mar. 11, 1983	Amoco Refund Applications	RF21-3634 through RF21-4102

[FR Doc. 83-9267 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of March 11 Through March 18, 1983

During the Week of March 11 through March 18, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: March 31, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of March 11 Through March 18, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 14, 1983	Amcole Energy Corp., Dallas, Tex	HRH-0117 and HRD-0117	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Amcole Energy Corporation in response to the Proposed Remedial Order issued to it (Case No. HRO-0106).
Mar. 14, 1983	Cities Service Co., Tulsa, Okla	HER-0052	Request for Modification/Rescission. If granted: The June 4, 1981, Decision and Order (Case No. BEX-0078) issued to Warrior Asphalt Company would be modified regarding Cities Service Company's entitlements obligations.
Mar. 15, 1983	Gulf Oil Corp., Houston, Tex	HED-0114 and HEJ-0037	Motion for Discovery and Request for Protective Order. If granted: Discovery would be granted to Gulf Oil Corporation in connection with the Statement of Objections submitted in response to a Proposed Decision and Order (Case No. BEX-0210) issued to Husky Oil Company. Gulf Oil Corporation would enter into a Protective Order with Husky Oil Company regarding the release of proprietary information to Gulf Oil Corporation in connection with the Husky Oil Company year end review (Case No. BEX-0210).
Mar. 15, 1983	Northeast Louisiana Wholesale Oil & Gas, Inc., Monroe, La.	HEE-0061	Exception to the Reporting Requirements. If granted: Northeast Louisiana Wholesale Oil & Gas, Inc. would not be required to file form EIA-782B.
Mar. 17, 1983	Husky Oil Co. of Delaware, Washington, D.C.	HER-0053	Motion for Modification/Rescission. If granted: The March 13, 1983, Decision and Order (Case Nos. HED-0111 and HED-0113) would be modified regarding the access to certain information of Husky Oil Company of Deleware.

REFUND APPLICATIONS RECEIVED

[Week of March 11 to March 18, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No.
Mar. 14, 1983 to Mar. 18, 1983	Amoco Refund Applications	RF21-4103 through RF21-4559.

[FR Doc. 83-9268 Filed 4-7-83; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Period of February 21 Through March 11, 1983

During the period of February 21 through March 11, 1983, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), and person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an agrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection with the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact of law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: March 31, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Dover Energy, Inc., Dover, New Hampshire, HEE-0059; Reporting requirements.

Dover Energy, Inc. filed an Application for Exception which, if granted, would relieve Dover of the requirement to file Form EIA-782B, "Monthly No. 2 Distillate Sales Report." On March 11, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 83-9265 Filed 4-7-83; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Week of March 14 Through March 18, 1983

During the week of March 14 through March 18, 1983, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact of law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: March 31, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Dow Chemical, U.S.A., Houston, Texas, BEE-1680; Reporting requirements.

On August 10, 1982, Dow Chemical, U.S.A. filed an Application for Exception from the provisions of 10 CFR § 211.69 (the Entitlements Program clean-up rule). The exception request, if granted, would permit Dow to file amended ERA-49 forms with the Economic Regulatory Administration pertaining to periods prior to the October 1, 1980 cut-off date specified in Section 211.69. On March 16, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 83-9266 Filed 4-7-83; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of February 28 Through March 4, 1983

During the week of February 28 through March 4, 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, 12th and Pennsylvania Ave., N.W., 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 31, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appeals

Casson, Calligaro & Mutryn, February 28, 1983, HFA-0114

Casson, Calligaro & Mutryn filed an Appeal from a partial denial by a Deputy Director of the Office of Hearings and Appeals 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 one of the documents which was initially withheld under Exemption 5 should be released to the public. Important issues that were considered in the Decision and Order were whether Exemption 5 applies to: (1) Worksheets used to calculate numbers used in final OHA decisions and (2) predecisional inter-agency memos. The segregability of factual material and the adequacy of search were also discussed.

Edward G. Conner, March 3, 1981, HFA-0118

On February 10, 1983, Edward G. Connor filed an Appeal from a partial denial by the Director of the Office of Personnel of a Request for Information which he had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE noted that the Office of Personnel stated that the information requested had been inadvertently deleted and that this information would be provided to Connor. Accordingly, the Appeal was dismissed.

Remedial Order

True Oil Company, March 3, 1983, DRO-0268

True Oil Company objected to a Proposed Remedial Order (PRO) issued to the firm by the Rocky Mountain District of the Economic Regulatory Administration (ERA) on June 8, 1979. In the PRO, ERA alleged that True sold crude oil during the period September 1, 1973 through December 31, 1974 at prices exceeding the applicable price levels set forth in the Mandatory Petroleum Price Regulations 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subpart D. After considering True's objections, the DOE concluded that the PRO should be issued as a final Remedial Order with certain modifications sought by ERA. The important determinations reached in the Decision and Order include: (i) That the Office of Hearings and Appeals has the authority to adjudicate enforcement actions (ii) that the procedural regulations in 10 CFR Part 205, Subpart O do not deprive firms of their due process rights; (iii) that a written offer to a particular firm to purchase its crude oil which was not publicly circulated does not constitute a "posted price," as defined in 10 CFR 212.31; (iv) that a new "property," as defined in 10 CFR 212.72 is not created by drilling a new well to replace a well on the same lease that had been plugged and abandoned; and (v) that a firm is not entitled to the separate royalty accounting exemption to the property definition for a premises when the royalty owners owned the same percentage interest in all production from the premises.

Request for Exception

Belco Petroleum, March 1, 1983, BXE-1610

Belco Petroleum Corporation (Belco) filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit Belco to sell during the final quarter of 1980 82.42 percent of the crude oil produced and sold for the benefit of the working interest owners that are classified as integrated producers from the White River Unit "B" at market price levels and the remaining 17.58 percent of their production at upper tier ceiling prices.

Request for Modification and or Rescission

ICG Vista Petroleum, Inc., March 1, 1983, BMR-0022

On February 5, 1980, ICG Vista Petroleum, Inc., (ICG) filed an Application for Modification or Rescission of a Decision and Order issued to it on February 4, 1980, which denied an Application for Temporary Exception. In considering the Application, the DOE determined that since the Decision and Order denying the ICG Temporary Exception Application no longer affected the firm, there was no apparant basis for considering a request for modification or rescission of that Order. Accordingly, the Application for Modification or Rescission was dismissed.

Motion for Discovery

Exxon Company, U.S.A./Mobil Oil Corporation, March 4, 1983, HED-0100, HEH-0100

Exxon Company, U.S.A. and Mobil Oil Corporation filed a Joint Motion for Discovery and Evidentiary Proceeding on January 7, 1983. The Joint Motion relates to two pending proceedings which the OHA instituted to review the appropriateness of the level of the crude oil entitlement relief that Little America Refining Company (Larco) received for its fiscal years 1979 and 1980. In their Motion, Exxon and Mobil request that Larco respond to a number of interrogatories and furnish certain documents which contain financial and operating data of Larco and its predecessors for the period 1968 through 1980. Exxon and Mobil assert that their discovery requests are relevant to certain issues raised in those two year-end review proceedings. In this Decision and Order, the OHA determined that part of the material sought by Exxon and Mobil in relation to Larco's acquisition of the assets of Sinclair Oil Corporation is material and relevant to a review of the relief that Larco received. The OHA also determined that other information sought by the moving parties is either available to them under their current protective agreements with Larco, or is irrelevant to any issue that is actually in dispute in the pending proceedings. The OHA therefore granted the Motion only to the extent that the requested information relates to Larco's acquisition of the Sinclair assets.

Interlocutory Order

Amoco Brand Committee, Conoco Brand Committee, Gulf Oil Wholesale Marketers Association Inc., and the National Association of Union Oil Jobbers Inc., March 2, 1983, HEZ-0137

The Amoco Brand Committee, Conoco Brand Committee, Gulf Oil Wholesale Marketers Association Inc., and the National Association of Union Oil Jobbers Inc. (the Petitioners) filed a submission styled "Motion for Clarification." In the Motion, the Petitioners request that the DOE specify when it is appropriate for independent oil jobbers, who are represented by the Petitioners, to file refund claims in the Alkek/Adams crude oil refund proceedings. The Petitioners further request that the DOE provide guidance concerning the nature of information which the DOE might require in evaluating refund claims submitted by individual jobbers. In considering the requests, the DOE found it was appropriate to address the issues raised by the Petitioners, since a response would have broad application to resellers of refined products in general, and because earlier decisions addressing first-stage refund procedures in the Alkek/Adams crude oil refund proceeding did not consider in detail claims submitted by downstream purchasers. The DOE further found that specific application procedures for this class of claimants could not yet be outlined because refund claims from first purchasers of the crude oil covered by the Adams/Alkek consent orders and entitlements program participants are currently under consideration. However, the DOE stated that at the proper time the DOE will issue an Order and publish a Notice in the **Federal Register**, which will inform downstream purchasers of their opportunity to file claims and of specific filing requirements.

Supplemental Order

Consumers Power Company, March 2, 1983, HCX-0071

On November 5, 1982, Consumers Power Company (Consumers) requested that the Office of Hearings and Appeals (OHA) make a determination regarding the date on which the firm first became eligible to participate in the Entitlements Program, 10 CFR 211.67. The firm's submission was brought pursuant to the decision of the United States District Court for the Eastern District of Michign in *Consumers Power Company* v. *DOE*, Civil Action No. 81-71112 (E.D. Mich. September 8, 1982), which reversed a decision issued by the OHA in *Consumers Power Company*, 8 DOE ¶ 80,111 (1981) and remanded the matter to OHA for a determination of the date on which the firm first qualified for treatment as a "refiner" under the regulations governing the Entitlements Program.

On the basis of new information submitted by the firm, OHA determined that Consumers should be classified as a "refiner" for purposes of the Entitlements Program from the Program's inception on November 1, 1974. However, it was further determined that the firm had failed to file its Monthly Refiners' Reports with the ERA for the period prior to February 1, 1976, on a timely basis as required by the entitlements "clean-up" regulation, 10 CFR 211.69(d). The mandatory Form-49 for each of these months was prepared and supplied to the DOE only in response to the request by OHA for information which the agency needed in order to comply with the court's remand. Had the information submitted by Consumers been submitted by any other refiner after August 15, 1981 in an attempt to obtain

additional entitlement benefits for a period of time prior to October 1980, the ERA would be bound to deny the claim under 10 CFR 211.69(d). Because there was no equitable or other basis for distinguishing Consumers from any other refiner making a late claim for entitlement benefits for the time period November 1974 through January 1976, OHA issued a decision which directed the ERA to calculate additional entitlement benefits for Consumers only for the period from February 1, 1976 through June 16, 1976.

Implementation of Special Refund Procedures

Office of Enforcement: In the matter of Ethyl Corporation, March 1, 1982, HQF-0013

On May 20, 1982, the Office of Hearings and Appeals issued a Decision and Order establishing special refund procedures for distributing funds obtained by the DOE through consent orders with Ethyl Corporation and for other firms. *Office of Enforcement*, 9 DOE ¶ 82,569 (1982). In that Decision, the OHA held that, as the first stage of the refund process, firms who wished to seek a refund of a portion of the DOE escrow fund established by Ethyl could file applications for refund within 90 days of the publication of the Decision in the **Federal Register**. No applications for refund for a portion of the Ethyl fund had been filed by the time the August 24, 1982, deadline had passed. Accordingly, the OHA examined the administrative record in the case in order to make a determination as to the proper second-stage disposition of the Ethyl fund. The OHA determined that the entire fund should be distributed to Gulf States Utilities Company, an investor-owned public utility that was the ultimate consumer of the No. 2 fuel oil covered by the Ethyl consent order. The OHA found that Gulf States would pass through the refund to its utility customers in the form of lower rated for electricity and would thereby channel the refunds through the same class of persons who were injured by the alleged overcharges.

Office of Enforcement, Economic Regulatory Administration: In the matter of PVM Oil Associates, Inc., March 4, 1983, HQF-0012

The Office of Hearings and Appeals issued a final Decision and Order establishing procedures for distribution of the $215,000 consent decree fund remitted to the DOE by PVM Oil Associates, Inc. The entire balance of this fund, plus accrued interest remained undistributed following the expiration of the deadline for firms who purchased fuel oil marketed by PVM to submit applications for refund. In this Decision, the OHA ordered the distribution of a portion of the consent decree fund to the General Electric Lamp Division and to the Missouri Pacific Railroad, firms which were end-users of No. 2 fuel oil marketed or brokered by PVM. Disbursement to Missouri Pacific is conditioned on receipt of a statement by the firm indicating that it has notified its governing regulatory agency of the refund, and explaining how the refund will be passed on to consumers. The remainder of the fund will be distributed to New York State, upon approval by the OHA of a plan submitted by the state which will provide restitutionary benefits to consumers of No. 2 fuel oil in New York City metropolitan area. These consumers were the end-users of the remainder of the fuel oil covered by the PVM consent decree.

Refund Applications

Standard Oil Company (Indiana)/Charlotte Standard Service, et al., March 4, 1983, RF21-41, et al.

On December 23, 1982, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). On March 4, 1983, the DOE issued a Decision and Order concerning 84 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 the December 23 Decision. Each retailer therefore submitted detailed information concerning its Amoco purchase volumes. After analyzing this information, the DOE concluded that each of the 84 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. Accordingly, these applications were granted in full.

Standard Oil Company (Indiana)/Cope Oil Company et al., March 3, 1983, RF21-148, et al.

On December 23, 1982 the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). On March 3, 1983 the DOE issued a Decision and Order concerning 153 Applications for Refund filed by wholesalers 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 the December 23 Decision. In considering these applications, the DOE concluded that each of the 153 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled $285,672.

Standard Oil Company (Indiana)/Hwy. 55 Standard et al., March 2, 1983, RF21-1098 et al.

On December 23, 1982 the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). On March 2, 1983 the DOE issued a Decision and Order concerning 147 Applications for Refund filed by 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 the December 23 Decision. In considering these applications, the DOE concluded that each of the 147 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled $164,960.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Name	Case No.
Gulf Oil Corp., Little America Refining Co.	HEJ-0032

Dismissal

The following submission was dismissed:

Name	Case No.
Intercoastal Oil Corporation	HRO-0063

[FR Doc. 83-9289 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

Objection To Proposed Remedial Orders Filed; Week of February 28 Through March 4, 1983

During the week of February 28 through March 4, 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.

Dated: March 31, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Automatic Comfort Corp., Hartford, Connecticut, HRO-0126, motor gasoline

On February 28, 1983, Automatic Comfort Corp., Hartford, Connecticut filed a Notice of Objection to a Proposed Remedial Order which the DOE Philadelphia Field Office of Enforcement issued to the firm on January 27, 1983. In the PRO the Philadelphia Field Office found that during March 1, 1979 through September 30, 1979, Automatic Comfort sold regular and unleaded motor gasoline to retail consumers and to commercial ultimate consumers in bulk volumes at prices which exceeded the firm's maximum lawful selling prices.

According to the PRO the Automatic Comfort violation resulted in $363,010.27 of overcharges.

Riverside Oil & Refining Co., Houston, Texas, HRO-0129, crude oil

On March 2, 1983, James M. Burlingame, 225 Barrone Street, New Orleans, Louisiana 70112 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued jointly to Mr. Burlingame, Riverside Oil & Refining Co., and K. Wayne Buchner on January 28, 1983. On March 7, 1983, K. Wayne Buchner and Riverside also filed Notices of Objection to the PRO. In the PRO the Southwest District found that during the period March through December 1980, Riverside violated the provisions of 10 CFR 212.183, 212.186, 210.62, and 205.202 in its sales of crude oil.

According to the PRO the Riverside violation of sections 212.183, 210.62 and 205.202 resulted in $1,293,396.06 of overcharges. In addition, the PRO alternatively alleges that Riverside's violations of Section 212.183 resulted in overcharges of $641,505.47.

Sabine Refining & Trading Co., Houston, Texas, HRO-0130, crude oil

On March 2, 1983, Sabine Refining & Trading Co., 8401 Westheimer, Suite 273, Houston, Texas 77063 filed a Notice of Objection to a Proposed Remedial Order which the DOE District Office of Enforcement issued to the firm on February 1, 1983. In the PRO the District found that during May 1 to August 31, 1980, Sabine Refining & Trading Company charged prices for crude oil in excess of those allowed pursuant to the Mandatory Petroleum Pricing Regulations. According to the PRO the Sabine Refining & Trading Co. violation resulted in $3,834,341.26 of overcharges.

Sherer Oil company, Inc. and Ringer Tri-State Oil Company, Inc., Johnstown, Pennsylvania, HRO-0128, motor gasoline

On February 28, 1983, Sherer Oil Company, Inc. and Ringer Tri-State Oil Company, Inc. of Johnstown, Pennsylvania (referred to collectively as "Sherer") filed a Notice of Objection to a Proposed Remedial Order (PRO) that the Economic Regulatory Administration of the DOE issued to the firms on January 27, 1983.

In the PRO, the ERA determined that during the period from April 1, 1979 through September 30, 1979 Sherer improperly applied provisions of the DOE pricing regulations in its sales of motor gasoline. According to the PRO the Sherer violation resulted in $391,780.86 of overcharges.

[FR Doc. 83-9270 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Basalt Waste Isolation Project Site, State of Washington; Characterization Studies as a Possible Geologic High-Level Radioactive Waste Repository

AGENCY: Department of Energy.

ACTION: Notice of extension of public comment period.

SUMMARY: On March 4, 1983, the Department of Energy announced in the **Federal Register** (44 FR 9332) a notice of public hearing, required by the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425), to notify the public of the proposed nomination of the Hanford Site for site characterization and to solicit their recommendations on issues to be addressed in an environmental assessment and site characterization plan. The public hearing was held in Richland, Washington, on March 25, 1983. Written comments on issues being addressed at the hearing were due March 31, 1983.

As a result of comments received at the hearing, the Department is extending the public comment period from March 31 to April 14, 1983.

DATE: Written comments on issues addressed at the March 25, 1983, public hearing are due by April 14, 1983, to the address below.

ADDRESS: J. William Bennett, Director, Geologic Repository Division, Nuclear Waste Policy Act Project Office, U.S. Department of Energy, Washington, D.C. 20585.

Issued in Washington, D.C. on April 1, 1983.

Donald Paul Hodel,

Secretary of Energy.

[FR Doc. 83-9181 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. EP-40-83-3]

Energy Emergency Preparedness; Pre-Crisis Forward Sales of Strategic Petroleum Reserve Oil

AGENCY: Department of Energy

ACTION: Notice of inquiry and request for public comments

SUMMARY: The Department of Energy (DOE) has been reviewing a number of issues related to the Strategic Petroleum Reserve (SPR), including applicable plans, policies, procedures and regulations, to implement the currently-effective SPR Drawdown Plan that was submitted pursuant to the Energy Emergency Preparedness Act of 1982 (EEPA), Pub. L. 97-229. As a part of this effort, DOE is investigating whether some form of forward sales of or rights to oil stored in the SPR should be offered in advance of an energy emergency, prior to any drawdown and distribution of the SPR. The DOE requests written public comments on this issue.

The stimulus for this investigation is comments offered by the public in response to a Notice of Inquiry on EEPA published in the **Federal Register** on September 29, 1982, (47 FR 42801) concerning the timing of an SPR drawdown decision and the amount of time it would take for SPR volumes introduced into the marketplace to have their impact. One possible approach suggested was to adopt procedures for "pre-crisis forward sales for SPR oil.[1] DOE expresses no position on the merits of this proposal, which is one of a number of SPR drawdown issues currently under study. Nevertheless, DOE solicits additional written comments from the public on this concept, and specifically, on how it would be implemented, consistent with the statutory and regulatory framework for SPR use. Further, we ask for comments on the benefits and problems that might result from such a program.

DATES: The comment period will be 90 days after publication. Seven (7) copies of written comments and other materials should be submitted to DOE by 5:00 p.m. on July 7, 1983, to ensure their consideration.

ADDRESSES: Comments should be addressed to William A. Vaughan, Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness, Department of Energy, Forrestal Building, Room 4G-084, [Mail Stop EP-1], 1000 Independence Avenue, S.W., Washington, D.C., 20585.

FOR FURTHER INFORMATION CONTACT: Finn Neilsen, Director, Office of Energy Contingency Planning, Office of Energy Emergencies, U.S. Department of Energy, Forrestal Building, Room GH-060 (Main Stop EP-43), 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252-4000.

SUPPLEMENTARY INFORMATION:

I. Background
II. Purpose of the Notice
III. Written Comments Procedures

[1] This issue was also raised at the February 17, 1983, Hearing before the House Subcommittee on Fossil and Synthetic Fuels, Committee on Energy & Commerce, during the testimony by Assistant Secretary William A. Vaughan.

I. Background

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

B. *SPR Drawdown Capability.* The SPR is being developed in three phases, each of which increases the program's overall storage capacity and drawdown capability. As of April 1, 1983, over 310 million barrels of oil were in storage in the SPR; virtually the entire permanent storage capacity currently available is filled with oil.

Phase I consisted of the development of five underground oil storage facilities in the Gulf Coast, with a capacity of approximately 250 million barrels, and a marine terminal. Phase II is the ongoing expansion of three Phase I sites by 290 million barrels, scheduled to be completed by 1986. Phase III involves the further expansion of two existing SPR sites, and the planned development of a new site at Big Hill, Texas to accommodate an additional 210 million barrels of oil.

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

C. *SPR Distribution Plan.* Section 161 of the EPCA requires that the method to be used in drawing down and distributing the SPR be set out in an SPR Distribution Plan. In the EEPA, Congress required that a new SPR "Drawdown" (Distribution) Plan be transmitted to the Congress; it provided that this Plan would take effect on the date transmitted without Congressional review. The Plan was transmitted to Congress on December 1, 1982, and took effect on that date.

This new distribution Plan provides that price competitive sale will be the principal method of distributing SPR oil. Recently, DOE issued a Notice of Proposal Rulemaking (48 FR 11125) to adopt a rule governing price competitive sales of petroleum from the SPR.

D. *Enhancing the Effectiveness of SPR Use.* DOE has been reviewing a number of issues related to the SPR, including applicable plans, policies, procedures, and regulations, to implement the new SPR Drawdown Plan. An important issue concerning the potential utilization of the SPR is the timing of any decision to draw down the Reserve. Related to this is the question of public perception regarding when and how the SPR will be utilized, and how long it will take before SPR sales have their impact on the oil market. With a view toward enhancing the effectiveness of SPR drawdown by expanding the range of possible mechanisms for use of the Reserve, the Doe is currently studying the desirability and feasibility fo so-called "pre-crisis forward sales" of SPR oil.

Under Section 161(d) of the EPCA, drawdown and distribution of the SPR may not be made unless the President finds that such actions are required due to a "severe energy supply interruption or by obligations of the United States under the International Energy Program." Thus, actual sale and distribution of SPR oil cannot occur before the required Presidential finding has been made. Nevertheless, it may be possible to structure "pre-crisis forward sales" for purchase of SPR oil or rights there to in advance of an actual drawdown, should a crisis occur. Mechanisms may include some characteristics of the following generic categories of forward sales; pre-drawdown sales of options to buy SPR oil during drawdown; futures contracts (similar to currently utilized oil market futures); and competitive bid/forward delivery (similar to the normal price competitive sales mechanism for SPR use, but perhaps including some oil sales prior to drawdown with delivery to occur only after drawdown, and possibly involving deliveries to occur months in the future from the date of contract award).

What DOE needs to determine is whether this concept represents a practicable and desirable approach to the distribution of SPR oil, how it can be implemented, what problems might occur and whether current laws and regulations permit such a program to be implemented.

E. *Potential Effects of SPR Forward Sales.* Some initial analytical work has been done on the benefits of sales of future contracts for SPR oil, and further work on alternate types of forward sales (i.e. options, futures, competitive bid/forward delivery) is currently being done under contract of DOE by the Harvard University Energy and Environomental Policy Center. Last year, this project produced a paper by Shantayanan Devarajan and R. Glenn Hubbard entitled, "Drawing Down the Strategic Petroleum Reserve: The Case for Selling Futures Contracts" (H–82–06) (June 1982). The conclusion to the paper (pages 25–26) described the study's results and possible implications for further policy development:

> In this paper, we have attempted to make a case for drawing down the strategic petroleum reserve by selling futures contracts. The motivation behind this idea is the observation that, during oil supply disruptions, private inventories act in a manner to exacerbate the sharp rise in oil prices. We showed how sales of SPR futures, unlike other policy responses, dampen inventory demand by affecting expectations of future oil prices. Using a two-period model we identified conditions under which the sale of an equivalent amount of SPR oil in the spot and in the futures market would lead to a more favorable sequence of spot prices in the latter case. Our empirical analysis, based on a model of the world oil market and U.S. economy, showed that futures sales: (i) Achieved much of the price-reducing benefits in the early states of a disruption and (ii) led to a lower price trajectory overall when compared with spot market sales. Finally, we identified other possible advantages of SPR futures, which center mainly around the fact that futures contracts postpone, and in some cases avoid, the physical withdrawal of oil from the reserve.
>
> It goes without saying that our results represent a first-pass at analyzing a new policy option for responding to a disruption in the oil market. Both our theoretical and empirical analyses can be extended to incorporate more features of the real world. Yet, we suspect the qualitative nature of our results will remain unchanged: selling futures contracts in SPR oil can be at least as effective in dampening spot market prices as a direct sale in the spot market.
>
> On the other side of modeling and estimating these benefits, there remains the question of how such a scheme may be implemented. As there currently exists only a very thin futures market in crude oil, and as attempts to set up such a market in the past have met with limited success, the procedure by which the government could sell SPR futures contracts deserves considerable attention. Although we believe sales of SPR futures during a disruption are feasible, and in many ways easier to effect than spot market sales, we also feel that the success of such a policy depends on the amount of thought given to its implementation before the interruption occurs.

In addition, the Industrial Oil Consumers Group (IOCG) and the American Iron Steel Institute (AISI) submitted comments to DOE on November 5, 1982, which discussed in some detail a possible method for implementing "pre-crisis forward sales of SPR oil." This was described in the DOE's December 17, 1982, **Federal Register** Notice (47 FR 565480) as follows:

(6) To help assure that SPR oil reaches the marketplace rapidly in an emergency, the IOCG, supported by AISI, recommended monthly pre-crisis sales of rights to SPR oil. Actual distribution would occur only after a Presidential finding of a severe supply shortage, and would include up to 10 percent of the SPR oil in storage. Only domestic refiners with operating capacity would be eligible, competitive bidding with no set-asides would prevail, and a defense override would be provided. The AISI would also set a price floor at the spot price plus a premium. In this way, the IOCG believes use of the SPR oil would result in rapid national supply enhancement, price containment, and increased public confidence in actions being undertaken by the Government to deal with a shortage.

II. Purpose of the Notice

The purpose of this notice is to invite public comments on the merits and drawbacks and on the feasibility of pursuing pre-crisis forward sales of SPR oil.

DOE is especially interested in learning whether forward sales of SPR oil or some form of rights to SPR oil, in advance of an energy emergency, might help reduce abnormal market pressures when the emergency occurs, or expedite the movement of SPR oil into the economy when SPR drawdown is initiated, compared to the current competitive bid process, and whether it is practicable to implement such a system within the context of applicable laws and regulations.

In preparing responses to this Notice of Inquiry we would encourage your review of the IOCG/AISI comments, as well as the Harvard study. Limited numbers of copies of these documents are available at DOE, or they can be obtained directly from the authors, at the following places:

(1) Harvard University Energy and Environmental Policy Center, John F. Kennedy School of Government, 79 Boylston Street, Cambridge, Massachusetts 02138 (Mr. Al Alm: 617/495–1322);

(2) IOCG/AISI: Earle H. O'Donnell, Sutherland, Asbill and Brennan, 1666 K. Street, NW., Suite 800, Washington, D.C. 20006 (202/827–7800).

To the extent possible, DOE would appreciate specific comments on the advantages and disadvantages of the method for "pre-crisis forward sales for SPR oil" which have been proposed to DOE already, as well as any additional methodologies (i.e., futures, options, or other) which should be considered. In addressing these methodologies, commenters should clearly explain the details of the pre-crisis forward sale mechanism they are discussing and the objectives it is designed to achieve.

In particular, DOE would welcome comments regarding the benefits, administrative and market feasibility of pursuing this type of approach for SPR use. Commenters are invited to address the following specific questions, with respect to particular proposals for pre-crisis forward sale of SPR oil:

1. What advantages or disadvantages would there be in pre-crisis forward sales of SPR oil, as compared with price-competitive sales of that oil during a crisis?

A. What effect would such sales have on market pressures, and on oil prices, during an energy emergency?

B. What would be the effect on private inventory levels both before and during an energy supply disruption?

C. Would the national security and foreign policy values of the SPR be affected?

D. How might pre-crisis sales expedite the process of selling SPR oil or transporting it by ship or pipeline?

E. Are there advantages in reserving the rights to some SPR oil for sale during a disruption? What portion of the daily drawdown rate, or of the total SPR, should be pre-sold?

2. If utilized, how should pre-crisis forward sales of SPR oil be structured?

A. Should SPR oil in storage be sold, but held in storage on behalf of the buyer until drawdown? Should options to buy SPR oil at drawdown be used? What other sales forms might be utilized?

B. If options are sold should the potential sales price of the oil be specified in dollar terms; tied to a formula; based on price-competitive sales of other SPR oil during a disruption; ascertained competitively during the sale of options; or determined in some other manner?

C. When and how often should the rights be sold, and how long should they be valid?

D. How should the price of option or other rights to SPR oil be determined? If sold competitively, should a minimum price be established?

E. Who should be eligible to contract for forward sales? Should competition be open to any interested party (as in the present SPR Distribution Plan), or limited to refiners and importers, or to some other category?

F. Are there limitations or requirements with respect to lot size, transportation arrangements, or other aspects of sale and delivery which need to be taken into accoubt?

3. Should the rights to forward sales be transferable?

A. What would be the economic effects, both before and during an energy emergency, or freely transferable rights to SPR oil?

B. What characteristics should the rights have, to foster transferability?

C. How might the Government assure the financial and performance responsibility of a potential buyer of SPR oil who is a rights holder?

4. Is a pre-crisis sale of rights to SPR oil feasible?

A. What would be the estimated value, in today's market, of an assured right to buy SPR oil during a future oil supply interruption, paying the then-prevailing market price? Paying a price established at present, based on current oil values? Paying a price established on some other basis?

B. What contractual commitments would the Government have to make in order for the rights to be valuable? What degree of contractual certainty is required as to oil specifications, time of delivery, delivery points, mode of transportation, etc.? How do these commitments compare with Government's contractual obligations in a price-competitive sale during an emergency, or with prevailing commercial practices?

C. Would a lack of rights transferability affect the viability of system of selling rights to SPR oil in advance of a crisis? [2]

D. How is the practicability of pre-crisis sales of rights to SPR oil affected by the inability to actually sell and deliver oil until the existing statutory criteria for SPR drawdown are met?

In addition, we would be interested in learning whether various commenters would be interested in participating in such a program if it were available, and under what circumstances.

III. Written comment procedures

You are invited to participate in the response to this Notice of Inquiry by submitting views, reports, analyses or other materials to DOE. Comments should be submitted to the address indicated in the "ADDRESSES" section of this notice and should be identified on the outside envelope and on documents submitted with the designation "Energy Emergency Preparedness—SPR, Docket No. EP–40–83–3." Seven (7) copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

[2] The Anti-Assignment Act, 41 U.S.C. 15, provides with respect to Federal contracts, that "No contract or order, or interest therein, shall be transfered by the party to whom such contract or dored is given to any other party* * *".

between 8:00 and 4:00 p.m., Monday through Friday, except on Federal holidays. Comments should be received according to the schedule set forth in the "DATE" section of this Notice in order to ensure consideration.

Pursuant to the provisions of 10 CFR 1004.11, if you are submitting material which you believe to be confidential and exempt by law from public disclosure, you should submit one complete copy of the document, and six copies from which the material claimed to be confidential has been deleted. DOE reserves the right to determine the confidential status of the material and to treat it according to that determination.

Issued in Washington, D.C. April 1, 1983.

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 83-9180 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

Public Hearings to Announce Proposal to Nominate a Site Within the State of Nevada for Characterization Studies

AGENCY: Office of the Secretary, DOE.

ACTION: Extension of written comment period.

SUMMARY: The U.S. Department of Energy has identified a potentially acceptable site in Nevada for a high-level radioactive waste repository and proposes to nominate this site for site characterization pursuant to Section 113 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). Pursuant to Section 112, an environmental assessment will accompany such nomination. Further, before proceeding to sink shafts, a Site Characterization Plan will be issued.

A Federal Register notice dated March 7, 1983 (48 FR 9578) provided detailed information regarding hearing dates and locations and a public comment period to solicit comments on the nomination, issues to be included in an environmental assessment supporting the nomination, and issues to be addressed in the Site Characterization Plan. The purpose of this announcement is to give notice of an extension to the written comment period.

WRITTEN COMMENTS: Written comments on the proposed nomination; the issues to be addressed in the environmental assessment; and the issues to be addressed by any Site Characterization Plan, if developed, should be mailed to reach the following address by April 25, 1983: U.S. Department of Energy, Public Hearings on Nevada Test Site Characterization, Mail Stop 555, P.O. Box 14400, Las Vegas, Nevada 89114. This is an extension of the previously announced March 31, 1983, comment due date.

FOR FURTHER INFORMATION CONTACT: Dr. Donald L. Vieth, U.S. Department of Energy, Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114, telephone (702) 734-3662.

Donald Paul Hodel,

Secretary of Energy.

April 5, 1983.

[FR Doc. 9285-4 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2343-3]

Availability of Environmental Impact Statements Filed March 28 Through April 1, 1983 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382-5075 or 382-5076

Corps of Engineers:

EIS No. 830175, Draft, COE, AL, William Bacon Oliver Lock and Dam Replacement, Tuscaloosa County, Due: May 23, 1982.

EIS No. 830173, Report, COE, NY, Buffalo Harbor Operation/Maintenance & Diked Disposal Site 4, Erie County.

Department of the Interior:

EIS No. 830181, Draft, BLM, NV, Schell Resource Area WSAs, Designation, NYE, White Pine & Lincoln Counties, Due: July 8,1983

EIS No. 830180, Final, BLM, CA, Otay Livestock Grazing Mgmt., Los Angeles, Riverside & San Diego Counties, Due: May 9, 1983

EIS No. 830174, DSuppl, IBR, ND,Garrison Diversion Unit Initial Development, Due: May 27, 1983

Department of Transportation:

EIS No. 830178, Final, FHW, AL, E. B. Stephens Expressway Extension, 3rd Ave. to I-20/59, Jefferson County, Due: May 9, 1983

EIS No. 830179, Final, FHW, NJ, NJ-24 Freeway Completion, Brooklake Road to I-287, Morris County, Due: May 9, 1983

EIS No. 830177, Final, FHW, WV, Appalachian Corridor G, Chattory to Miller Creek, Mingo County, Due: May 9, 1983

Department of Housing and Urban Development:

EIS No. 830176, Final, HUD, CA, Victoria Community Plan, Mortgage Insurance, San Bernardino County, Due: May 9, 1983

Amended Notices:

EIS No. 830067, Draft, BLM, SEV, REG PRO CO UT WY Federal Oil Shale Management Plan, Published FR February 11, 1983—Review extended, Due: May 12, 1983

EIS No. 820501, Draft, BOP, OK, El Reno Alien Detention Center, Construction, Canadian County, Published FR July 30, 1982—Officially withdrawn.

EIS No. 830156, Draft, BOP, VT, Windham Federal Prison Camp Activation, Windham County, Published FR March 25, 1983—Officailly withdrawn.

Dated: April 5, 1983.

Pasquale A. Alberico,

Acting Director, Office of Federal Activities.

[FR Doc. 83-9284 Filed 4-7-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59122; TSH-FRL 2342-4]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the Federal Register of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of four applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by April 25, 1983.

ADDRESS: Written comments, identified by the document control number "(OPTS-59122)" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by

the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

TME 83-39

Close of Review period. May 11, 1983.
Manufacturer. Confidential.
Chemical. (G) Acrylic acid polymer.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data on the TME substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

TME 83-40

Close of Review Period. May 11, 1983.
Manufacturer. Minnesota Mining and Manufacturing Company (3M).
Chemical. (G) Perfluoroaliphatic isocyanate adduct.
Use/Production. (S) Site-limited isolated intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—0.5/8.0 (minimally irritating), Eye—17.3/110.0 (mildly irritating).
Exposure. Manufacture and processing: dermal, a total of 3 workers, up to 8 hrs/da, up to 19 da/yr.
Environmental Release/Disposal. No release. Disposal by incineration, landfill and reclamation.

TME 83-41

Close of Review Period. May 11, 1983.
Manufacturer. Minnesota Mining and Manufacturing Company (3M).
Chemical. (G) Modified fluoroaliphatic adduct.
Use/Production/Import. (S) Carpet fiber coating. Prod. range: 6 mos—1000 lbs.
Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—0.4/8.0 (minimally irritating), Eye—59.0/110.0 (extremely irritating).
Exposure. Manufacture: dermal, a total of 3 workers, up to 8 hrs/da, up to 19 da/yr; Processing: dermal, a total of 20 workers, up to 8 hrs/da.
Environmental Release/Disposal. No release. Disposal by incineration, landfill and reclamation.

TME 83-42

Close of Review Period. May 14, 1983.
Manufacturer. Ethyl Corporation.
Chemical. (G) Di (mixed alkyl) magnesium.
Use/Production. (S) Polymerization catalyst. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by biological treatment system.

Dated: April 4, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83-9089 Filed 4-7-83; 8:45 am]

BILLING CODE 6560-50-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SES Performance Review Board; Members

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the SES Performance Review Board.

DATE: To be supplied.

FOR FURTHER INFORMATION CONTACT: Beverly A. Gary, Director, Personnel Management Services, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C., 20506, 202/634-7000.

SUPPLMENTARY INFORMATION: Pursuant to requirement of section 4314(c)(1), Chapter 43, Title 5, U.S.C., membership of the SES Performance Review Board is as follows: Kristine Marcy, Deputy Director, Office of Budget, Office of the Secretary, Department of the Interior (chairperson); Eliseo Carrasco, Special Assistant to the Director, Inter American Region, Latin America Bureau, Agency for International Development; Charles E. Pugh, Deputy Director, Office of Federal Contract Compliance Programs, Employment Standards Administration, Department of Labor; and Leonora L. Guarraia, Director, Office of Special Projects, Equal Employment Opportunity Commission (alternate).

Signed at Washington, D.C., this 4th day of April 1983.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 83-9290 Filed 4-7-83; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL MARITIME COMMISSION

Performance Review Board; Members

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Herron, Jr., Director of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Alan Green, Jr.,

Chairman.

The Members of the Performance Review Board Are:

1. Thomas F. Moakley, Vice Chairman;
2. James V. Day, Commissioner;
3. James J. Carey, Commissioner;
4. John E. Cograve, Chief Administrative Law Judge;
5. William Beasley Harris, Administration Law Judge;
6. Seymour Glanzer, Administrative Law Judge;
7. Charles E. Morgan, Administrative Law Judge;
8. Norman D. Kline, Administrative Law Judge;
9. Joseph N. Ingolia, Administrative Law Judge;
10. James K. Cooper, Managing Director;
11. Wm. Jarrel Smith, Jr., Director of Programs;
12. C. Jonathan Benner, General Counsel;
13. Robert D. Bourgoin, Deputy General Counsel;
14. John Robert Ewers, Director, Bureau of Hearing Counsel;
15. Robert A. Ellsworth, Director, Office of Policy Planning and International Affairs;
16. Francis C. Hurney, Secretary;
17. Daniel J. Connors, Director, Bureau of Investigations;
18. Joseph C. Polking, Director, Bureau of Agreements and Trade Monitoring;
19. Albert J. Klingel, Director, Bureau of Certification and Licensing; and
20. Robert G. Drew, Director, Bureau of Tariffs.

[FR Doc. 83-9291 Filed 4-7-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on March 28, 1983, the Committee amended its Authorization for Domestic Open Market Operations, effective immediately, to raise from $3 billion to $4 billion the limit in paragraph 1(a) on changes between Committee meetings in System Account holdings of U.S. government and federal agency securities and to delete paragraph 2 and renumber the remaining paragraphs. As amended, the Authorization for Domestic Open Market Operations reads as follows:

Authorization for Domestic Open Market Operations

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, to the extent necessary to carry out the most recent domestic policy directive adopted at a meeting of the Committee.

(a) To buy or sell U.S. Government securities, including securities of the Federal Financing Bank, and securities that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States in the open market, from or to securities dealers and foreign and international accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the System Open Market Account at market prices, and, for such Account, to exchange maturing U.S. Government and Federal agency securities with the Treasury or the individual agencies or to allow them to mature without replacement; provided that the aggregate amount of U.S. Government and Federal agency securities held in such Account (including forward commitments) at the close of business on the day of a meeting of the Committee at which action is taken with respect to a domestic policy directive shall not be increased or decreased by more than $4.0 billion during the period commencing with the opening of business on the day following such meeting and ending with the close of business on the day of the next such meeting;

(b) When appropriate, to buy or sell in the open market, from or to acceptance dealers and foreign accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the account of the Federal Reserve Bank of New York at market discount rates, prime bankers acceptances with maturities of up to nine months at the time of acceptance that: (1) Arise out of the current shipment of goods between countries or within the United States, or (2) arise out of the storage within the United States of goods under contract of sale or expected to move into the channels of trade within a reasonable time and that are secured throughout their life by a warehouse receipt or similar document conveying title to the underlying goods; provided that the aggregate amount of bankers acceptances held at any one time shall not exceed $100 million;

(c) To buy U.S. Government securities, obligations that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States, and prime bankers acceptances of the types authorized for purchase under 1(b) above, from dealers for the account of the Federal Reserve Bank of New York under agreements for repurchase of such securities, obligations, or acceptances in 15 calendar days or less, at rates that, unless otherwise expressly authorized by the Committee, shall be determined by competitive bidding, after applying reasonable limitations on the volume of agreements with individual dealers; provided that in the event Government securities or agency issues covered by any such agreement are not repurchased by the dealer pursuant to the agreement or a renewal thereof, they shall be sold in the market or transferred to the System Open Market Account; and provided further that in the event bankers acceptances covered by any such agreement are not repurchased by the seller, they shall continue to be held by the Federal Reserve Bank or shall be sold in the open market.

2. In order to ensure the effective conduct of open market operations, the Federal Open Market Committee authorizes and directs the Federal Reserve Banks to lend U.S. Government securities held in the System Open Market Account to Government securities dealers and to banks participating in Government securities clearing arrangements conducted through a Federal Reserve Bank, under such instructions as the Committee may specify from time to time.

3. In order to ensure the effective conduct of open market operations, while assisting in the provision of short-term investments for foreign and international accounts maintained at the Federal Reserve Bank of New York, the System Open Market Committee authorizes and directs the Federal Reserve Bank of New York: (a) For Federal Open Market Account, to sell U.S. Government securities to such foreign and international accounts on the bases set forth in paragraph 1(a) under agreements providing for the resale by such accounts of those securities within 15 calendar days on terms comparable to those available on such transactions in the market; and (b) for New York Bank account, when appropriate, to undertake with dealers, subject to the conditions imposed on purchases and sales of securities in paragraph 1(c), repurchase agreements in U.S. Government and agency securities, and to arrange corresponding sale and repurchase agreements between its own account and foreign and international accounts maintained at the Bank. Transactions undertaken with such accounts under the provisions of this paragraph may provide for a service fee when appropriate.

By order of the Federal Open Market Committee, April 1, 1983.

Stephen H. Axilrod,

Secretary.

[FR Doc. 83-9159 Filed 4-7-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company; Proposed De Novo Nonbank Activities; First Interstate Bancorp

The organization identified in this notice 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)(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 the application, 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 on the application 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 the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings 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 San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *First Interstate Bancorp*, Los Angeles, California, (mortgage company, credit insurance, Colorado): To engage, through its subsidiary, First Interstate Real Estate Services Company, in mortgage company activities to the extent of making or acquiring real estate or construction loans for its own account or for the account of others; selling or servicing real estate or construction loans for its own account or for the account of others; conducting such related activities as are incidental to the mortgage banking business; and acting as insurance agent or broker with respect to credit life and credit accident and health insurance, and mortgage disability and mortgage redemption insurance directly related to extensions of credit or the provision of other financial services by First Interstate Bancorp or its subsidiaries. These activities would be conducted from an office in Fort Collins, Colorado, serving Colorado. This application is to establish a new office of a previously approved activity conducted through a wholly-owned subsidiary. Comments on this application must be received not later than April 22, 1983.

Board of Governors of the Federal Reserve System, April 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9107 Filed 4-7-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Rosedale First National Corp.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Rosedale First National Corp.*, Rosedale, Mississippi; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank, Rosedale, Mississippi. Comments on this application must be received not later than May 4, 1983.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice Preesident) 400 South Akard Street, Dallas, Texas 75222:

1. *Commercial State Bancorp., Inc.*, Houston, Texas; to become a bank holding company by acquiring 80 percent or more of the voting shares of Commercial State Bancshares, Inc., Houston, Texas, and thereby indirectly acquire Commercial State Bank, Houston, Texas. Comments on this application must be received not later than May 4, 1983.

Board of Governors of the Federal Reserve System, April 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9106 Filed 4-7-83; 8:45 am]

BILLING CODE 6210-01-M

J. P. Morgan & Co. Inc.; Proposal To Engage as a Futures Commission Merchant in Activity of Executing Options on Futures Contracts

J. P. Morgan & Co. Incorporated, New York, New York, 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 engage in executing and clearing options on futures contracts in bullion on the Commodity Exchange, Inc. and its affiliated clearing association, and options on futures contracts in U.S. Government securities on The Board of Trade of the City of Chicago and its affiliated clearing association. These activities would be conducted by Applicant's subsidiary, Morgan Futures Corporation, from offices in New York, New York; Chicago, Illinois; and London, England, serving customers in the United States and abroad.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." 12 U.S.C. 1843(c)(8). The proposed activity has not been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies. However, Applicant believes the proposed activity to be so closely related to banking or managing or controlling banks as to be a proper incident thereto, because the proposed activity is, in the Applicant's opinion, operationally or functionally similar to the activity of acting as a futures commission merchant for commodities futures contracts that has been approved by the Board in Orders dated July 1, 1982, regarding Applicant (68 *Fed. Res. Bull.* 514), September 20, 1982, regarding Bankers Trust New York Corporation, New York, New York (68 *Fed. Res. Bull.* 651), and November 30, 1982, regarding Citicorp, New York, New York (68 *Fed. Res. Bull.* 776).

Interested persons may express their views on whether the proposed activity is "so closely related to banking or managing or controlling banks as to be a proper incident thereto," and 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 these questions must be accompanied by a statement of the reasons why 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 the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 4, 1983.

Board of Governors of the Federal Reserve System, April 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9165 Filed 4-7-83; 8:45 am]

BILLING CODE 6210-01-M

Agency Forms Under Review

April 4, 1983.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agenices use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immendiately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

For Further Information Contact:

Federal Reserve Board Clearance Officer, Cynthia Glassman, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829);

OMB Reviewer, Richard Sheppard, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880).

Request for Revision/Extension of Existing Reports

1. Report title: Regulation G Registration Statement; Deregistration Statement; Annual Report
Agency form number: FR G-1; FR G-2; FR G-4
Frequency: Occasional; Annual
Reporters: Federal and State Credit Unions; insurance companies; savings and loan associations; commercial and consumer credit organizations; employee stock option plans; small business; etc.
SIC Code: 612, 614, 615, 631, 632, 633, 635, 636, 637
Small businesses are affected.
General description of report:
Respondent's obligation to reply is mandatory (15 U.S.C. 78g); a pledge of confidentiality is promised (5 U.S.C. 552(b)(4), (b)(6), and (b)(8)).

This group of reports is needed to elicit certain background and financial information about a lender and the types and amount of credit activities engaged in with respect to stock market credit.

2. Report title: Statement of Purpose for an Extension of Credit Secured by Margin Securities by a Person Subject to Registration under Regulation G
Agency form number: FR G-3
Frequency: Occasional
Reporters: Federal and State Credit Unions; insurance companies; savings and loan associations; commercial and consumer credit organizations; employee stock option plans; small business; etc.
SIC Code: 612, 614, 615, 631, 632, 635, 636, 637
Small businesses are affected
General description of report:
respondent's obligation to reply is mandatory (15 U.S.C. 78g and 78w); a pledge of confidentiality is not promised.

This report is required to ensure that a lender does not extend credit to purchase or carry securities in excess of the amount permitted by the Federal Reserve Board pursuant to Regulation G and ensure that a borrower does not violate Regulation X.

3. Report title: Statement of Purpose of an Extension of Credit by a Creditor
Agency form number: FR T-4
Frequency: Occasional
Reporters: Individuals; brokers/dealers
SIC Code: 881; 621
Small businesses are not affected.
General description of report:
Respondent's obligation to reply is mandatory (15 U.S.C. 78g and 78w); a pledge of confidentiality is not promised.

This report is required in order to have a written record of the amount of "non-purpose" credit being extended, the purpose for which the money is to be used, and a listing and valuation of collateral, as well as ensuring that broker/dealers comply with the law.

4. Report title: Record Which Borrowers are Required to Make and Maintain of Facts Concerning Credit Collateralized by Securities, When Such Credit is Obtained from Outside the United States.
Agency form number: FR X-1
Frequency: Occasional
Reporters: U.S. persons, foreign persons controlled by U.S. persons, or foreign persons acting on behalf of or in conjunction with U.S. persons
SIC Code: 881
Small businesses are not affected.
general description of report:
respondent's obligation to reply is mandatory (15 U.S.C. 78g and 78w); a pledge of confidentiality is not promised.

This report is required to have documentation (which covers purpose, collateral and valuation) pertaining to credit obtained outside the United States by U.S. persons, foreign persons who are controlled by U.S. persons, or foreign persons acting on behalf of or in conjunction with U.S. persons.

Board of Governors of the Federal Reserve System, April 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9166 Filed 4-7-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83M-0104]

American Optical Corp.; Premarket Approval of SEPTICON™ Disinfection System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for

premarket approval under the Medical Device Amendments of 1976 of the SEPTICON™ Disinfection System, sponsored by American Optical Corp., Framingham, MA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 9, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, Office of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301–427–7445.

SUPPLEMENTARY INFORMATION: On June 10, 1982, American Optical Corp., Framingham, MA, submitted to FDA an application for premarket approval of the SEPTICON™ Disinfection System, which consists of LENSEPT® Sterile Disinfection Solution (3 percent hydrogen peroxide), the SEPTICON™ Disc, and the SEPTICON™ Cups, for use in disinfection the SOFTCON™ (vifilcon A) Contact Lens. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On March 17, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), disinfecting solutions for use in disinfecting hydrophilic (soft) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such disinfecting solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition for approval, that sponsors of applications for premarket approval of soft contact lenses and lens care solutions for the above use comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above), and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent avisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 9, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 30, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc 83-8901 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82P–0282]

Endo-Lase, Inc.; Availability of Approved Variance for a Neodymium-Doped Yttrium-Aluminum-Garnet (Nd:YAG) Laser Product

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a variance from the performance standard for laser products has been approved by the Acting Director, Office of Radiological Health (formerly the Bureau of Radiological Health) of FDA's National Center for Devices and Radiological Health for all models of the mediLas 2, neodymium-doped-yttrium-aluminum-garnet (Nd:YAG) laser product manufactured by Messerschmitt-Bolkow-Blohm, Angewandte Technologie GmbH (MBB-AT) and imported by Endo-Lase, Inc. The medical laser product is used in a variety of surgical procedures.

DATES: The variance became effective January 4, 1983 and ends January 4, 1988.

ADDRESS: The application and all correspondence associated with the variance request have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard S. Sternchak, National Center for Devices and Radiological Health (HFX–460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301–443–3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), Endo-Lase, Inc., 1729 Twenty-First St. NW., Washington, DC 20009, has been granted a variance from § 1040.10(f)(2)(i)(*b*) (21 CFR 1040.10(f)(2)(i)(*b*)) of the performance standard for laser products for the mediLas 2, Nd:YAG laser product. In addition, under § 1040.10(g)(10) (21 CFR 1040.10(g)(10)), relief has been granted from the labeling requirements of § 1040.11(a)(3) (21 CFR 1040.11(a)(3)) of

the performance standard for specific purpose medical laser products applicable to the mediLas 2, Nd:YAG laser product. These actions allow the distribution for investigational use of the mediLas 2, Nd:YAG laser product manufactured by MBB-AT, Munich, West Germany, so long as there is in effect for the product an investigational device exemption in accordance with FDA regulations (21 CFR Part 812) issued under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

The mediLas 2, Nd:YAG laser product is a medical laser product as defined in § 1040.10(b)(22) of the performance standard for laser products and is subject to the requirements of § 1040.11(a) of the performance standard for specific purpose laser products. The Class IV Nd:YAG laser provides radiation through interchangeable, flexible, fiber optic lightguide systems for surgical cutting and coagulation action. The product also incorporates a helium-neon laser as an aiming beam to provide an indication of the target point.

The Director has determined, in accordance with § 1010.4(a)(2), that the product utilizes suitable means for providing radiation safety or protection and is intended for a special purpose for which one or more requirements of the applicable standard would not be appropriate. The Director has determined that § 1040.10(f)(2)(i)(*b*), which precludes removal or displacement of a removable protective housing upon safety interlock failure, is not appropriate for the product because interchangeability of fiber optic lightguides can be essential to the successful completion of a surgical procedure despite interlock system failure.

The Director also has determined, in accordance with § 1040.10(g)(10), that the small size of the distal end of the fiber optic lightguide through which the laser radiation exits the medical product precludes compliance with the requirements of § 1040.11(a)(3) and has approved alternate location and wording for the mediLas 2, Nd:YAG laser product aperture label.

Suitable means of radiation protection are provided by the existing equipment design and by the requirement for the addition of a special hazard warning label on the product. Therefore, on January 4, 1983, FDA approved the requested variance by letter to the manufacturer's agent from the Acting Director of the Office of Radiological Health.

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 31, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-8902 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

Centers for Disease Control

Effectiveness of Hazardous Energy Control Methods; 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: May 5, 1983.

Time: 9:00 a.m. to 4:30 p.m.

Place: Appalachian Laboratory for Occupational Safety and Health, Safety Annex Conference Room, S-120, 944 Chestnut Ridge Road, Morgantown, WV 26505.

Purpose: To discuss the research protocol of a project to evaluate the effectiveness of certain hazardous energy control methods. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from: Murry L. Cohen, Ph.D., Division of Safety Research, National Institute for Occupational Safety and Health, Centers for Disease Control, 944 Chestnut Ridge road, Morgantown, WV 26505, telephone: PTS: 923-4574; Commercial: 304/291-4574.

Dated: April 1, 1983.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83-9222 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 83F-0073]

Cib-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 or tris(2,4-di-*tert*-butylphenyl)phosphite as an antioxidant/ stabilizer.

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 3B3702) has been filed by the Ciba-Geigy Corp., Hawthorne, NY 10532, proposing that the food additive regulations be amended to provide for the safe use of tris(2,4-di-*tert*-butylphenyl)phosphite as an antioxidant/stabilizer in various food-contact applications.

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 31, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-9156 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings: San Juan District Office, chaired by William E. Martinez-Soto, Consumer Affairs Officer. The topics to be discussed are: Food Labeling Format, Sodium Labeling, Orphan Drugs, and Tamper Resistant Packaging regulations.

DATE: Tuesday, April 26, 1983, 10 a.m. to 12:30 p.m.

ADDRESS: Queen Quarters' Hotel, Christiansted, St. Croix, VI 00820.

FOR FURTHER INFORMATION CONTACT: William E. Martinez-Soto, Consumer Affairs Officer, Food and Drug Administration, P.O. Box S-4427, Old San Juan Station, San Juan, PR 00905, 809-753-4264.

New Orleans District Office, chaired by Robert O. Bartz, District Director. Topics to be discussed are: FDA issues and other current concerns.

Date: Wednesday, April 27, 1983, 2 p.m.

Address: City Hall, 705 W University Ave., City Hall Auditorium, Lafayette, LA 70502.

For Further Information Contact: Frances G. Brysson, Consumer Affairs Officer, Food and Drug Administration, 4298 Elysian Fields Ave., New orleans, LA 70122, 504–589–2420.

St. Louis Station Office, chaired by Ronald M. Johnson, Chief. The Topics to be discussed are: Alternative Food Labeling, FDA issues, and other current concerns.

Date: Friday, April 29, 1983, 1:30 p.m. to 3:30 p.m.

Address: FDA Conference Room, 808 North Collins, Laclede's Landing, St. Louis, MO 63102.

For Further Information Contact: Mary-Margaret Richardson, Consumer Affairs Officer, Food and Drug Administration, 808 North Collins, Laclede's Landing, St Louis, MO 63102, 314–425–5021.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 31, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-9145 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0075]

Tal Chemicals Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Tal Chemicals Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of sucrose fatty acid esters as components of protective coatings on pineapples.

FOR FURTHER INFORMATION CONTACT: Patricia J. McLaughlin, 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 3A3708) has been filed by TAL Chemicals Co., 24–26 Queens Rd., Reading, Berkshire RGI 4AU, United Kingdom, proposing that § 172.859(c) (21 CFR 172.859(c)) be amended to provide for the safe use of sucrose fatty acid esters as components of protective coatings on pineapples.

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 31, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-9155 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1983:

Name: National Advisory Coucil on Health Professions Education.

Date and Time: May 9–11, 1983, 9:00 a.m.–5:00 p.m.

Place: Conference Room 10, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

Open on May 9, 1983, 9:00 a.m. to 5:00 p.m.

Closed for remainder of meeting.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The open portion of the meeting will cover: welcome and opening remarks; report of the Administrator; budget update; report on Humanistic Health Care, Health Promotion and Disease Prevention, and future agenda items. The meeting will be closed to the public May 10–11, 1983, from 9:00 a.m. to 5:00 p.m., for the review of grant applications for the Health Careers Opportunity Program, Family Medicine Departments, Predoctoral Training in Family Medicine, General Internal Medicine and/or General Pediatrics, Physician Assistants, Health Administration (Allied), Conversion Program and Construction Program. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Mr. Robert L. Belsley, Executive Secretary, National Advisory Council on Health Professions Education, Bureau of Health Professions, Health Resources and Services Administration, Room 8C–22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6883.

Agenda items are subject to change as priorities dictate.

Dated: April 5, 1983.

Jackie E. Baum,

Advisory Committee Management Officer, Health Resources and Services Administration.

[FR Doc. 83-9261 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-15-M

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1983:

Name: National Advisory Council on Nurse Training.

Date and Time: May 16–18, 1983, 9:00 a.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open May 16, 1983, 9:00 a.m. to 1:00 p.m.

Closed for remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of Title XXVII, National Health Service Corps, Health Professions Education, Nurse Training Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRSA.

Agenda: Agenda items for open portion of meeting will cover announcements; consideration of minutes of previous meeting; reports by the Administrator, the Director, Bureau of Health Professions (BHPr), the Financial Management Officer, BHPr, the Director, Division of Nursing, and staff reports. The meeting will be closed to the public on May 16, 1983, at 1:00 p.m., for the remainder of the meeting for the review of grant applications for

advanced nurse training grants, nurse practitioner grants, special project grants, and research project grants. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5, U. S. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to section 10(d) of Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Dr. Mary S. Hill, Bureau of Health Professions, Health Resources and Services Administration, Room 5C-04, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443-6193.

Agenda items are subject to change as priorities dictate.

Date: April 5, 1983.

Jackie E. Baum,

Advisory Committee Management Officer, Health Resources and Services Administration.

[FR Doc. 83-9232 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Interagency Group to Monitor Vaccine Development, Production, and Usage; Open Meeting

The Centers for Disease Control, Food and Drug Administration, and National Institutes of Health, request information from all interested parties to assist in preparation of a report on pertussis and pertussis vaccines. The report will be prepared by the Interagency Group to Monitor Vaccine Development, Production, and Usage, which is composed of representatives of the three above-named Public Health Service agencies.

Items to be addressed in the report include:

1. Diagnosis, reporting, and recordkeeping of incidence and severity of pertussis and adverse reactions to pertussis vaccines;

2. Techniques for vaccine production leading to reduced vaccine reactogenicity;

3. Methodology for identifying children or categories of children who may be at higher risk of adverse reactions to pertussis vaccines;

4. Public and private efforts to develop safer pertussis vaccines;

5. The association, if any, between pertussis vaccination and sudden infant death syndrome; and

6. Compensation programs now in existence in the United States and other countries for severe adverse reactions to pertussis vaccines.

Any such information may be submitted in writing or in person at a meeting to be held April 28, 1983, at the Food and Drug Administration, Room 719, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland, from 9:00 a.m. to noon.

Any questions concerning this notice should be addressed to: Walter R. Dowdle, Ph.D., Chairman, Interagency Group to Monitor Vaccine Development, Production, and Usage, Centers for Disease Control, 1600 Clifton Road (1-6007), Atlanta, Georgia 30333; telephones: FTS: 236-3401, Commercial: 404/329-3401.

Dated: March 31, 1983.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83-9220 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-18-M

Reye Syndrome Task Force; Request for Information

The Public Health Service (PHS) requests information from all interested parties to assist in the development of a new epidemiologic study of the possible relationship between the use of medications (especially salicylates) and Reye syndrome. The Reye Syndrome Task Force has been established by the PHS to coordinate this activity. The Task Force includes representatives from the Centers for Disease Control, Food and Drug Administration, National Institutes of Health, and the Office of the Assistant Secretary for Health.

The PHS is particulary interested in obtaining written advice, suggestions, recommendations, and other pertinent information from scientists, health professionals, and others concerned to permit the broadest input into this effort for the benefit of the public. The objective is to conduct the most effective effort to learn how to prevent this rare, but often fatal disease.

The needed protocol and study will be formulated by the PHS on the basis of information previously submitted and on information received in response to this notice.

Comments should be submitted not later than 30 days from the date of publication of this notice. Comments or any questions should be directed to: Walter R. Dowdle, Ph.D., Chairman, Reye Syndrome Task Force, Centers for Disease Control, 1600 Clifton Road (1-6007), Atlanta, Georgia 30333; telephones: FTS: 236-3401, Commercial: 404/329-3401.

Dated: April 1, 1983.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83-9221 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-18-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) published a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 1.

Public Health Service

National Institutes of Health

Subject: Application for Research Grants and Research Continuation Grants (0925-0001)—Extension no change

Respondents: Health scientists and investigators applying for research grants

Subject: Fellowship Health Insurance Plan—Private Company (0910-0172)—Extension/no change

Respondents: Research fellows

OMB Desk Officer: Fay S. Iudicello

Alcohol, Drug Abuse, and Mental Health Administration

Subject: Study of Multiple Personality Disorders: Clinical Characteristics, Etiology and Outcome (0930-0082)—Reinstatement

Respondents: Psychiarists

OMB Desk Officer: Fay S. Iudicello

Food and Drug Administration

Subject: Reporting and Recordkeeping Requirements Imposed by the Methadone Regulations (0910-0140)—Extension/no change

Respondents: Narcotic treatment program directors

OMB Desk Officer: Richard Eisinger

Centers for Disease Cotrol

Subject: Evaluation of the Centers for Disease Control Socially Transmitted Disease Prevention/Training Clinic Program—new

Respondents: Socially transmitted disease clinician trainees and training coordinators

OMB Desk Officer: Fay S. Iudicello

Health Care Financing Administration

Subject: Medicaid Program Budget Report (HCFA 25)—Revision
Respondents: State Medicaid agencies
Subject: Billing Forms for the Medicare/Medicaid Hospice Demonstration (HCFA 245, 246 and 1453DR)—extension/no change
Respondents: Hospices participating in the demonstration
Subject: Provider Billing Form for Medical and Other Health Services (HCFA 1483)—revison
Respondents: Medical and other health service providers participating in the Medicare program
OMB Desk Officer: Fay S. Iudicello

Office of Human Development Services

Subject: Three year Report (Protection and Advocacy Program) (0980–0053)—reinstatement
Respondents: State agencies administering the Developmental Disabilities Program
Subject: Protection and Advocacy Program Performances Report—new
Respondents: State agencies administering the Developmental Disabilities Program
OMB Desk Officer: Milo Sundrehauf

Social Security Administration

Subject: Medical Report (General)—SSA–3826, 0960–0052)—revision
Respondents: Physicians and medical facilities treating disability applicants
Subject: State Plans for Refugee Resettlement (0960–0266)—extension/no change
Respondents: State governments participating in the Refugee Resettlement Program
OMB Desk Officer: Milo Sunderhauf

Office of the Secretary

Subject: Instructions for Applying for Federal Assistance from Office of COmmunity Services Discretionary Programs (0980–0136)—revision
Respondents: State and local governments, Indian tribes, and non-profit and for-profit development organizations
OMB Desk Officer: Richard Eisinger

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officr and the appropriate OMB Desk Officer designated above at the following addresses:

Joseph F. Costa, Acting HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524–F, Washington, D.C. 20201
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer)

Dated: April 4, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-9157 Filed 4-7-83; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT DES 83-16]

Availability of the Draft Wilderness Environmental Impact Statement for the Schell Resource Area, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of and public hearing on the Draft Wilderness Environmental Impact Statement (DEIS) for the Schell Resource Area in Nevada.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and Section 603(a) of the Federal Land Policy and Management Act of 1976, the Department of the Interior has prepared a Wilderness Environmental Impact Statement for eight Wilderness Study Areas (WSAs) in the Schell Resource Area, Ely District, Nevada. The eight WSAs contain 424,583 acres. The Preferred Alternative recommends 190,408 acres as suitable for wilderness and 234,175 acres as nonsuitable for wilderness.

Copies of the Draft Wilderness EIS for the Schell Resource Area are available for review at the following Bureau of Land Management offices:

Nevada State Office, 300 Booth Street, Reno, NV;
Elko District Office, 2002 Idaho Street, Elko, NV;
Ely District Office, Star Route 5, Box 1, Ely, NV;
Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, NV;
Winnemucca District Office, 705 E. 4th Street, Winnemucca, NV;
Carson City District Office, 1050 E. William Street, Carson City, NV;
Utah State Office, 136 East South Temple, Salt Lake City, UT;
Caliente Resource Area Office, Highway 93 South, Caliente, NV;
Battle Mountain District Office, North 2nd and Scott Streets, Battle Mountain, NV;
Washington Office, Division of Wilderness and Environmental Areas, Rm. 5616 18th and C Streets, NW., Washington, D.C.;
Tonopah Resource Area Office, Bld. 102 Military Circle, Tonopah, NV; or
Cedar City District Office, 1579 N. Main Street, Cedar City, UT.

Also, copies are available for review at the following public libraries:

White Pine County Library, Campton Street, Ely, NV;
Cedar City Public Library, 136 W. Center, Cedar City, UT;
James Dickenson Library, University of Nevada, Las Vegas, 4505 Maryland Parkway, Las Vegas, NV;
Lincoln County Library, Pioche, NV;
Lincoln County Library, Caliente, NV; or
Government Publications Dept., University of Nevada, Reno Library, Reno, NV.

DATES: Written comments on the draft statement are invited and should be submitted by July 8, 1983. Public hearings as required by Section 3(d) of the Wilderness Act will be held on the following dates:

May 16, Reno, NV, 7:00 p.m., Pioneer Hotel 221 So. Virginia;
May 17, Ely, NV, 7:00 p.m., Bristlecone Convention Center; and
May 18, Pioche, NV, 7:00 p.m., Lincoln County Courthouse.

ADDRESS: Written comments should be submitted to: District Manager, Bureau of Land Management, Ely, SR 5, Box 1, NV 89301.

FOR FURTHER INFORMATION CONTACT: Wayne Howle, Bureau of Land Management, Ely District Office, S.R. 5, Box 1, Ely, NV 89301; (702/289–4865).

Dated: March 30, 1983.

Edward F. Spang,

State Director, Nevada.

[FR Doc 83-8945 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-84-M

[CA 13219]

California; Realty Action Sale of Public Lands in Riverside County

The following described land has been examined and identified as suitable for disposal by sale as one unit under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value ($67,700):

Legal description	Acreage
San Bernardino Meridian:	
T. 6 S., R. 12 E.,	
Sec. 10, Lot 1	0.86
Lot 3	20.64
Lot 4	37.03

Legal description	Acreage
Lot 6	34.12
Lot 9	124.14
Lot 10	30.98
Lot 12	35.66
Total	173.70

The lands are being sold subject to a preference right consideration to allow Joseph L. Chiriaco, Inc., to meet the high bid. The sale parcels are contiguous to land owned by Joseph L. Chiriaco, Inc., upon which its commercial facilities are located. For the past three years, the Bureau has issued temporary use permits to Joseph L. Chiriaco, Inc., for establishment of a recreation vehicle area and an area for housing its employees.

Disposal of such tract will serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or feasibly on land other than public land and which outweigh other public objectives and values which would be served by maintaining such tract in Federal ownership. The proposed sale is consistent with the Bureau's planning for the lands involved, and the public interest would be served by offering this land for sale.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719); however, under Section 209 of the said Act of October 21, 1976, the high bidder may apply to purchase the mineral interests.

3. The patent will be subject to all valid existing rights.

4. Federal law requires that all bidders be United States citizens, or in the case of corporations be authorized to own real estate in the State of California. A State, State instrumentality or political subdivision must be authorized to hold property. Proof of these requirements shall accompany the bid.

5. Upon disqualification of an apparent high bidder, the next high bid will be honored.

The above described land will be offered for sale by sealed bid only. The sealed bids will be opened at 10:00 a.m. on June 8, 1983, at the California State Office of the Bureau of Land Management, Room E-2811, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Bids may be made by a principal or a duly qualified agent, either mailed or delivered to the California State Office, Bureau of Land Management, at the above address. Sealed bids shall be considered only if received prior to 10:00 a.m. on June 8, 1983, and are made for at least the appraised value of the land. Each sealed bid shall be accompanied by certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed envelope must be marked in the lower left hand corner "Public sale bid, serial number CA 13219, sale held June 8, 1983." No bid will be accepted for less than the appraised value, and bids must include all of the land in the parcel. If two or more envelopes are received containing valid bids of the same amount, the determination of which is to be considered the highest bid shall be by drawing. The highest qualifying sealed bid will be publicly declared on the day of the sale.

For a period of 30 days following the date of the sale, Joseph L. Chiriaco, Inc., will have the opportunity to claim the preference rights indicated above. Refusal or failure to meet the highest bid shall constitute a waiver of such bidding provisions.

Detailed information concerning the sale, including the land report and environmental assessment report is available for review at the California State Office at the above address. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the State Director, California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: March 31, 1983.

Eleanor Wilkinson,

Chief, Lands and Locatable Minerals Section, Branch of Lands and Minerals Operations.

[FR Doc. 83-9217 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-84-M

Fairbanks District Advisory Council; Meeting

The Fairbanks District Advisory Council of the Bureau of Land Management will conduct a general meeting on May 9 and 10, 1983. The location of the public meeting is the second floor training room at the BLM offices at Fort Wainwright, Gaffney and Marks Road. The meeting will convene at 8:30 a.m. and conclude at 5 p.m. each day. Public comments on agenda items will be received by the Council from 1 p.m. to 3 p.m. on Tuesday, May 10, 1983.

The first four hours of the meeting will be a general orientation of the Council to the BLM in Alaska and to the important issues facing the Fairbanks District. The remainder of the meeting will be devoted to a discussion of the White Mountain National Recreation Area and the Steese National Conservation Areas. Discussion topics will include:

1. Recreational opportunities.
2. Mineral development.
3. Access.
4. Wildlife habitat.
5. The Beaver and Birch Creek Wild River corridors.

All meetings and activities of the District Advisory Council are open to the public.

Donald E. Runberg,

Acting District Manager.

[FR Doc. 83-9214 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-84-M

State of California; Call for Application for Wind Development in the Table Mountain Area

The Table Mountain area, located in Southern California approximately three (3) miles east of Jacumba, has been identified as a promising wind energy development location in California. In response to applications filed by private interests to develop the wind resource, the Bureau of Land Management (BLM) will prepare an environmental document assessing the impacts of development within this 6,470.56 acre area. The objectives of the Bureau are to:

1. Ensure timely and orderly development of this important resource in a manner compatible with the use of the public lands for other purposes;

2. Assure that wind exploration, development and production is conducted with maximum protection of the environment, and;

3. Assure the public a fair return for the use of public lands and the use of its renewable resources.

To assist the Director of the BLM in carrying out these objectives and pursuant to Pub. L. 94-579, Title V of the Federal Land Policy and Management Act of 1976 (FLPMA), and 43 CFR Part 2800, requests for applications in addition to those already filed, are now being solicited from interested individuals for the next 30 days for possible granting of rights-of-way for

wind power generating facilities on public lands.

Description of the Area

Applications will be considered within the area shown on the Table Mountain Wind Study Map available at the BLM California Desert District Office, Riverside, California; and the El Centro Resource Area Office, El Centro, California. Public lands contained within the study area include: All or portions of Sections 15, 21, 22, 26, 27, 28, 33, 34 and 35, T. 17S., R. 8 E., San Bernardino Meridian (SBM); and Sections 2, 3, 10 and 11, T. 18 S., R. 8 E., SBM.

Right-of-Way

Applications must be submitted no later than 30 days from the date of this notice. No other applications will be accepted after this date for inclusion in the environmental document. In accordance with 43 CFR Part 2800, Rights-of-Way Principles and Procedures, applicants will furnish BLM a project description detailing what is being proposed and the time period involved; a legal description of lands you wish to apply for with a map showing their location; a non-refundable check to cover processing fees as explained in § 2803.1–1(a)(1); and a copy of the company's charter or articles of incorporation certified by the State. The project description shall be in sufficient detail to enable the authorized officer to determine:

(1) Its impact to the environment,

(2) Any benefits provided to the public,

(3) Safety of the proposal, and

(4) The specific public lands proposed to be occupied.

The environmental document will be funded in accordance with 43 CFR 2803.1(a)(1). To accomplish the above and to ensure that applications will be properly analyzed on a site specific basis for the environmental document, the project description accompanying the application must include all of the information provided below:

Project Description

1. Applicant.

2. Contact—include phone number of project coordinator and engineer.

3. Manufacturer.

4. Location—include a legal description, acreage compilation, and map for all public lands under application.

5. Wind Machine Model—if more than one machine is under consideration for deployment, include specifications for all types. Describe under what conditions one type of machine would be used over another.

6. Physical Specifications:

Total height.

Tower height.

Rotor diameter.

Total weight.

Weight of blades.

Foundation construction (width, depth and height).

Material specifications including weight of foundation.

Tower construction—materials and components.

Blade construction—materials and components.

Photograph of wind turbine generator model (8 x 10, Black and white).

Structure designs for the tower and foundation should be supplied.

7. Performance Specification:

Rotation speed (rotor RPM).

Speed of blade tips.

Power output.

Cut-in speed.

Noise generation.

Cut-out speed.

Rated wind speed.

Rotor orientation.

Generator RPM.

Generator type.

Gear box step-up ratio.

Gear box type.

8. Projected Annual Production:

Output based on annual average wind speed.

9. Additional Information:

Rotor, hardware specification (i.e., type, size).

Alternator, hardware specification (i.e., type size).

10. Brake system:

Type.

11. Control Functions:

Automatic yaw.

Failsafe brake application and release.

Alternator voltage and phasing.

Circuit breakers for overcurrent control.

12. Variables Monitored—describe your plans for monitoring the following items:

Alternator output.

Rotor speed.

Wind speed.

Wind direction.

13. Safety Features:

Electrical systems designed to comply with the National Electrical Code.

Lightning protection of all circuits.

Blade throw and probability of occurrence.

14. Wind Machine Construction Activities:

Site preparation (both temporary and permanent).

Temporary use areas. Construction yards for material storage and equipment maintenance stations. Provide security arrangements.

Equipment pads or leveled areas at each tower site to facilitate equipment operation should be identified. A table similar to that shown below can be used to summarize land areas occupied.

Summary of Land Areas Temporarily and Permanently Occupied

Units	Acres temporarily occupied	Acres permanently occupied
WTG		
Roads		
New main roads		
New spur roads		
Existing roads		
Work areas		
Construction yards		
Other		

Wind turbine installation. Describe installation procedures. Diagrams if available should be submitted.

Construction equipment. Provide specifications of equipment (i.e., pickup, 4 x 4, crane, 5-ton, etc., including fuel use requirements and length of service over construction schedule).

Cleanup. Technical and construction personnel—describe work force requirements for construction and maintenance activities.

Show work force schedule for construction period and source of labor supply (local or regional).

Construction schedule.

15. Operation and Maintenance:

Patrols.

Routine maintenance requirements.

Equipment needs.

Access roads.

Other.

16. Abandonment (plans for).

17. Transmission System and Substation:

Design

Construction

Operation and maintenance

Abandonment

Cost estimates for transmission line and substations may be supplied by servicing utility.

18. Security of Facilities and Equipment.

This information must be received no later than 30 days from the date of this notice in order to facilitate prompt initiation of site-specific analysis in the environmental document.

The authorized officer shall acknowledge in writing receipt of the application. The authorized officer may require the applicant for a right-of-way grant to submit additional information as he deems necessary for review of the application. All requests for additional information will be in writing.

Where the authorized officer determines that information supplied by an applicant is incomplete or does not conform to the FLPMA or 43 CFR 2800 regulations the authorized officer shall notify the applicant of these deficiencies and afford the applicant an opportunity to file a correction. Where a deficiency notice has not been adequately complied with, the authorized officer may reject the application.

Environmental Analysis and Decision Process

Applications will be evaluated and used along with all applicable resource data pursuant to the National Environmental Policy Act of 1969 to determine what public lands may be available for wind energy development. The environmental analysis process, through the evaluation of alternatives and their effects (environmental, social and economic), will be used as a decision tool to sort out competing uses and potential uses of the public lands. In the event two or more applications for wind power facilities are received for the same site, modified competive bidding procedures will be utilized. Under this procedure applicants will only be able to bid for areas applied for under the call for applications. Award of rights-of-way will be granted, subject to the terms and conditions found in the Record of Decision, to the qualified responsible bidder of the highest per acre per year cash amount. A notice of any tracts selected for competive bidding will be published in the **Federal Register** following the Record of Decision stating the conditions and terms for the grant in compliance with established Departmental procedures.

Submit Applications to: Bureau of Land Management, El Centro Resource Area, 333 S. Waterman, El Centro, California 92243.

For Further Information Contact: Questions regarding submittal of applications should be directed to either Stephen Johnson or Lynda Kastoll, at (619) 352-5842.

Hugh Riecken,

Associate District Manager.

[FR Doc. 83-8218 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-84-M

[W-71167, W-71188, W-71190]

Wyoming; Proposed Withdrawal Continuation

March 31, 1983.

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Bureau of Reclamation has filed a statement of justification for the partial continuation of their Minidoka Reclamation Project, withdrawn by Secretarial Orders dated July 10, 1903, June 23, 1906, and November 16, 1907. The withdrawn land proposed for continuation is described as follows:

Sixth Principal Meridian, Wyoming

T. 45 N., R. 114 W.,
- Sec. 17, lot 7;
- Sec. 18, lots 1 to 8 inclusive, E½W½, and NE¼SW¼;
- Sec. 19, lots 1, 4, 5, 6, 8, 10, 11, and NW¼NE¼;
- Sec. 20, lot 2, and NE¼NW¼.

T. 44 N., R. 115 W.,
- Sec. 4, lots 2, 3, 4, SW¼NE¼, and N½SW¼;
- Sec. 5, lots 1, 2, and 3.

T. 45 N., R. 115 W.,
- Sec. 3, lots 2 to 6 inclusive, lots 9 to 13 inclusive, and SE¼;
- Sec. 4, lot 1;
- Sec. 6, lots 1, 4, 5, 8, and 9;
- Sec. 7, lots 1 to 4 inclusive;
- Sec. 9, lots 1, and 2;
- Sec. 10, lots 1 to 6 inclusive, and E½;
- Sec. 11, W½W½, and SE¼SE¼;
- Sec. 13, lots 1, 2, N½, N½S½, and S½SW¼;
- Sec. 14, E½, SE¼NW¼, and SW¼;
- Sec. 15, lots 1 to 4 inclusive, NE¼NE¼, and SE¼SE¼;
- Sec. 16, lots 1 to 6 inclusive, S½NW¼, SW¼, and NW¼SE¼;
- Sec. 17, lots 1 to 6 inclusive, SW¼NE¼, and N½SE¼;
- Sec. 18, lots 1, and 2;
- Sec. 19, lots 1 to 4 inclusive;
- Sec. 20, lots 1, and 2;
- Sec. 21, lots 1 to 6 inclusive, and NE¼NW¼;
- Sec. 22, lots 1 to 5 inclusive;
- Sec. 23, lots 1 to 9 inclusive, W½NE¼, and SE¼NW¼;
- Sec. 24, lots 1 to 5 inclusive;
- Sec. 25, lots 2, 3, 6, and NE¼NW¼;
- Sec. 26, lots 1, and 2;
- Sec. 28, lots 1, and 2;
- Sec. 29, lots 1 to 3 inclusive, SW¼NE¼, and NW¼NW¼;
- Sec. 33, lots 1 to 4 inclusive;
- Sec. 34, lots 1 to 4 inclusive;
- Sec. 35, lots 1 to 5 inclusive, and NE¼SW¼.

T. 46 N., R. 115 W.,
- Sec. 3, W½SW¼;
- Sec. 4, W½NE¼, SE¼NE¼, W½, and SE¼;
- Sec. 5;
- Sec. 6, NE¼NE¼;
- Secs. 8, and 9;
- Sec. 10, S½NE¼, W½, and SE¼;
- Sec. 14, NW¼NW¼, and W½SW¼;
- Sec. 15, lots 1 to 6 inclusive, N½NE¼, S½NW¼, SW¼, NW¼SE¼, and SE¼SE¼;
- Secs. 16, and 17;
- Sec. 18, SE¼NE¼, and E½SE¼;
- Sec. 19, NE¼NE¼, S½NE¼, and SE¼;
- Secs. 20, and 21;
- Sec. 22, lots 1 to 5 inclusive, W½E½, and W½;
- Sec. 23, W½W½;
- Sec. 26, NW¼NW¼;
- Sec. 27, lots 1 to 7 inclusive, NW¼NE¼, N½NW¼, SW¼NW¼, SW¼, and NW¼SE¼;
- Secs. 28, and 29;
- Sec. 30, E½E½, and SW¼SE¼;
- Sec. 31, E½, SE¼NW¼, and E½SW¼;
- Secs. 32, and 33;
- Sec. 34, lots 1 to 4 inclusive, W½; and SE¼SE¼.

T. 47 N., R. 115 W.,
- Sec. 18, W½NW¼, SW¼, and SW¼SE¼;
- Sec. 19, W½NE¼, SE¼NE¼, W½, and SE¼;
- Sec. 29, W½NW¼, and SW¼;
- Sec. 30, E½, and E½W½;
- Sec. 31, E½, and NE¼SW¼;
- Sec. 32;
- Sec. 33, W½NW¼, SW¼, and SW¼SE¼.

T. 45 N., R. 116 W.,
- Sec. 12, W½NE¼, S½SW¼, and NW¼SE¼;
- Sec. 13, W½E½, and W½;
- Sec. 14, E½, E½W½, SW¼NW¼, and NW¼SW¼;
- Sec. 23, N½NE¼, and NE¼NW¼;
- Sec. 24, W½E½, NW¼, and NE¼SW¼;
- Sec. 25, NW¼NE¼.

T. 47 N., R. 116 W.,
- Sec. 13, E½E½.

The area described contains 23,626.53 acres in Teton County, Wyoming.

The Bureau of Reclamation proposes the continuation of the withdrawals for a period of 100-years, the life of the project. The lands are presently utilized for an operating irrigation project. Jackson Lake is a primary irrigation water storage facility for the Minidoka Project. The withdrawal is required to assure the continued integrity of the dam and reservoir and to assure continued delivery of water to the contracting irrigation districts. The lands are located within the Grand Teton National Park, and are therefore, not subject to appropriation under the public land laws, including the mining and mineral leasing laws. No change in the segregative effect or use of the land would be affected by the continuation.

Notice is hereby given that a public meeting may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire a meeting to be held on the proposal must submit a written request for a meeting to the undersigned on or before July 7, 1983. Upon the determination by the State Director, Bureau of Land Management, that a public meeting shall be held, a notice stating the time and place of the meeting shall be published in the **Federal Register** and in at least one newspaper having a general circulation in the vicinity of lands involved, at least 30 days before the scheduled date of the meeting. All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM on or before July 7, 1983.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration of the Office of the

Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

William S. Gilmer,

Acting Chief, Branch of Land Resources.

[FR Doc. 83-9218 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-84-M

Management Framework Plans, Gunnison Basin and American Flats/ Silverton Planning Units, Montrose District, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notification of Amendment of Management Framework Plans, Gunnison Basin and American Flats Planning Units, Gunnison Basin Resource Area, and Silverton Planning Unit, San Juan Resource Area, Montrose District, Colorado.

SUMMARY: In accordance with 43 CFR 1601.3, notice is hereby given that the Bureau of Land Management is amending the Gunnsion Basin and American Flats/Silverton Management Framework Plans (MFPs). Recommendations in these planning documents restricted animal damage control methods to ground shooting of problem animals in the Powerhorn Primitive Area and in the American Flats and Silverton Planning Units. The amendments to the framework plans will allow the U.S. Fish and Wildlife Service to use leg traps on problem animals in the specified areas. The U.S. Fish and Wildlife Service has determined that the present method is not adequate to control livestock losses and have provided justification for the use of leg traps for animal damage control work. An environmental assessment evaluating the land management impacts of this action and alternatives will be prepared by the BLM.

Area Under Study

The areas involved in this amendment are the Powerhorn Primitive Area, approximately 40,480 acres of the Cebolla-Powderhorn Planning Unit (03-07) in Gunnison and Hinsdale counties of Colorado, and approximately 133,059 acres of public land in the American Flats/Silverton Planning Unit (03-05; 03-16). The American Flats/Silverton Planning Unit lies within Hinsdale, San Juan, and Ouray Counties, Colorado.

Issues In Areas

The following is a list of issues expected to be addressed in the planning amendment and environmental assessment. These issues were developed from information contained in the existing management framework plans.

1. What effect and impacts will the use of leg traps have on public recreational uses taking place in these areas?
2. What areas within these boundaries should be restricted from the use of leg trapping?
3. What effect will this action have on other wildlife species in these areas?
4. Will the random use of traps now taking place by sheep operators be reduced by allowing the U.S. Fish and Wildlife Service to use traps?

Planning Team

All involved disciplines will provide input and/or have the opportunity to review the amendment to the management framework plans and the environmental assessment. Disciplines will include but not be limited to wilderness, recreation, wildlife, range management, and archeology.

Public Involvement

Concerned publics will be invited to provide input to the amendment and assessment through the use of news releases in local newspapers. The public will also be given a 30-day review period upon completion of the amendment and assessments.

Address

Comments or requests for further information should be addressed to Terry Reed, Area Manager, Gunnison Basin Resource Area, or to Lance Nimmo, Chief, Division of Planning and Environmental Coordination, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81402.

Availability of Planning Documents

Planning documents relating to existing management of these planning areas are available for review at the District or Gunnison Basin Resource Area offices in Montrose, Colorado.

Marlyn V. Jones,

District Manager, Montrose District.

[FR Doc. 83-9264 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-84-M

[UT-942]

Utah; Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This plat of survey of the following described land will be filed in the Utah State Office, Salt Lake City, Utah, immediately:

Salt Lake Meridian, Utah

T. 10½ N., R. 4 E.

This plat, representing the dependent resurvey of a portion of the south boundaries of Tps. 11 N., Rs. 4 and 5 E., and the survey of the subdivisional lines of T. 10½ N., R. 4 E., Salt Lake City Meridian, Utah for Group 580, was accepted March 14, 1983.

This plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

This survey was executed to meet certain administrative needs of this Bureau.

All inquiries relating to this land should be sent to the Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: March 31, 1983.

W. R. Papworth,

Deputy State Director, Operations.

[FR Doc. 83-9216 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and the Office of Management and Budget Interior Desk Officer at a.c. 202 395-7340.

Title: Water Users Census
Bureau Form Number: 7-332
Frequency: Annual

Decription of Respondents: Water users on Federal Reclamation Projects
Annual Responses: 25,000
Annual Burden Hours: 8,333
Bureau Clearance Officer: Wilson M. Carr, a.c. 202 343-4247
Dated: March 30, 1983

William C. Klostermeyer,

Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 83-9232 Filed 4-7-83; 8:45 am]
BILLING CODE 4310-09-M

Fish and Wildlife Service

Receipt of Application for Permit; California Department of Fish and Game

Notice is hereby given that an applicant has applied in due form for a permit to take sea otters as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant: California Department of Fish and Game, 1416 Ninth Street, Sacramento, CA 95814.

2. Type of permit: Threatened Species/Marine Mammal.

3. Name and number of animals: Sea otter (*Enhydra lutris*).

4. Type of Activity: Capture and release.

5. Location of Activity: Coastal waters off California.

6. Period of Activity: May 1, 1983-June 31, 1984.

The purpose of this application is to develop and refine capture techniques and identification of methods to influence the distribution of sea otters without capture (ie. herding).

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-10207. Written data or views, requests for copies of the complete application; or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements contained in this notice are summaries of those of the applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 601, 1000 North Glebe Road, Arlington, Virginia.

Dated: April 5, 1983.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-9235 Filed 4-7-83; 8:45 am]
BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications; International Crane Foundation et al.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: International Crane Foundation, Baraboo, WI (PRT 2-10217).

The applicant requests a permit to export six fertile Siberian white crane (*Grus leucogeranus*) eggs to Oka State Nature Reserve, USSR for enhancement of survival.

Applicant: Knoxville Zoological Park, Knoxville, TN (PRT 2-10209).

The applicant requests a permit to import one male Indian lion (*Panthera leo persica*) from Marwell Zoological Park, Great Britain for enhancement of propagation.

Applicant: New York Zoo, Bronx, NY (PRT 2-10175).

The applicant requests a permit to import one male captive-bred pen-tailed bettong (*Bettongia penicillata*) from the Antwerp Zoo, Belgium for enhancement of propagation.

Applicant: San Diego Zoo, San Diego, CA (PRT 2-9956).

The applicant requests a permit to import one female captive-bred black rhinoceros (*Diceros bicornis*) from the Budapest Zoo, Hungary for enhancement of propagation.

Applicant: San Diego Zoo, San Diego, CA (PRT 2-9955).

The applicant requests a permit to import one male captive-bred Indian rhinoceros (*Rhinoceros unicornis*) from the Nehru Zoo, India for enhancement of propagation.

Applicant: New York Zoo, Bronx, NY (PRT 2-10224).

The applicant requests a permit to import three male captive-bred pen-tailed bettong (*Bettongia penicillata*) from the Perth Zoo, Australia for enhancement of propagation.

Applicant: New York Zoo, Bronx, NY (PRT 2-10220).

The applicant requests a permit to import one male captive-bred Siberian tiger (*Panthera tigris altaica*) from the Moscow Zoo, USSR for enhancement of propagation.

Applicant: Oklahoma City Zoo, Oklahoma City, OK (PRT 2-10222).

The applicant requests a permit to import one male captive-bred lowland gorilla (*Gorilla gorilla*) from the Jersey Wildlife Preservation Trust for enhancement of propagation.

Applicant: Henry Doorly Zoo, Omaha, NE (PRT 2-10219).

The applicant requests a permit to import one female captive-bred Siberian tiger (*Panthera tigris altaica*) from the Moscow Zoo, USSR for enhancement of propagation.

Applicant: Indianapolis Zoological Society, Indianapolis, IN (PRT 2-10221).

The applicant requests a permit to import one female captive-bred Siberian tiger (*Panthera tigris altaica*) from the Moscow Zoo, USSR for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: April 5, 1983.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-9236 Filed 4-7-83; 8:45 am]
BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Tenneco Oil Exploration & Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities

it proposes to conduct on Lease OCS 0821, Block 183, Ship Shoal 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, Metaire, 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: April 1, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-9297 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-MR-M

Pacific Regional Technical Working Group Committee; Meeting

AGENCY: Minerals Management Service, Pacific Outer Continental Shelf Office, Interior.

ACTION: Outer Continental Shelf Advisory Board, Pacific Regional Technical Working Group Committee. Notice and agenda for meeting.

SUMMARY: Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. 92–463).

The Pacific Regional Technical Working Group Committee of the National OCS Advisory Board is scheduled to meet from 9:00 a.m. to 5:30 p.m., May 16, 1983, and 9:00 a.m. to 5 p.m., May 17, 1983, at 1340 W. 6th Street, Room 256.

The agenda for May 16 will include drilling on OCS P–203 and the Draft Environmental Impact Statement, OCS Sale 73. On the agenda for May 17 will be the draft 1985 Environmental Studies Plan, Southern Santa Maria Basin Area Wide Development EIS, and Southern California OCS Lease Offering, February 1984.

The meeting is open to the public. Public seating may be limited. Interested persons may make oral or written presentations to the Committee. Such requests should be made no later than May 4, 1983 to Joanne MacGregor-Hanifan, RTWG Coordinator, Minerals Management Service, 1340 W. 6th Street, Los Angeles, California, 90017, (213) 688–2846 ext. 36. Requests to make oral statements should be accompanied by a written summary of the oral statement. Written statements should be submitted by May 11, 1984.

Minutes of the meeting will be available 30 days after the meeting for public inspection and copying at 1340 W. 6th Street and at the Office of Offshore Information Services, Minerals Management Service, Department of the Interior, 18th and C Streets NW, Washington, D.C. 20240.

Reid T. Stone,

Regional Manager.

[FR Doc. 83-9215 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Intention To Negotiate Concessions Contract; Franca Foods, Inc.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Franca Foods, Inc., authorizing it to continue to provide food facilities and services for the public at Canarsie Pier within Gateway National Recreation Area for a period of approximately ten (10) years from date of execution through April 30, 1993.

This proposed contract requires a construction and improvement program. Although the overall development of Canarsie Pier was previously addressed in the Environmental Impact Statement dated September 27, 1979, that was prepared in conjunction with the General Management Plan for Gateway National Recreation Area, this document did not address the specific aspects of the proposed construction and improvement program. The National Park Service has determined that this specific construction and improvement program would have no significant effect on the human environment and does not involve unresolved conflicts of alternative uses of available resources. Therefore, it is determined to be categorically excluded from the procedural requirements of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which will expire by limitation of time on March 31, 1985, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision in effect, grants Franca Foods, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by Franca Foods, Inc., if Franca Foods, Inc., amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Franca Foods, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, North Atlantic Region, 15 State Street, Boston, Massachusetts 02109 for information as to the requirements of the proposed contract.

Dated: March 25, 1983.

Herbert S. Cables, Jr.,

Regional Director, North Atlantic Region.

[FR Doc. 83-9177 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Negotiate Concession Contract; Parkway Inn, Inc.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate a concession contract with Parkway Inn, Inc., authorizing it to continue the operation of lodging, restaurant, service station and campstore facilities on the Blue Ridge Parkway for a period of twenty years from January 1, 1984, through December 31, 2003.

Although this proposal requires a construction and improvement program, no specific sites have been identified or studied on the Parkway. Therefore, an assessment of the environmental impact of construction will be made prior to the preparation and approval of plans applicable to the terms and conditions of this proposed action.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1983, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the negotiation of a new contract. This provision, in effect, grants Parkway Inn, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by Parkway Inn, Inc. If Parkway Inn, Inc., amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Parkway Inn, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: February 28, 1983.

Neal G. Guse,

Acting Regional Director, Southeast Region.

[FR Doc. 83-9178 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Bend Millwork Company, 62845 Boyd Acres Rd., P.O. Box 5279, Bend, OR 97708.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: Pozzi Window Company (incorporated in Oregon), 62845 Boyd Acres Rd., P.O. Box 5249, Bend, OR 97706.

1. Parent corporation and address of principal office: Riblet Products Corporation, P.O. Box 1124, Elkhart, IN 46515.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: RPC Transportation, Inc. (an Indiana corporation), P.O. Box 1124, Elkhart, IN 46515.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9230 Filed 4-7-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Agricultural Cooperative; Intent to Perform Interstate Transportation for Certain Nonmembers

Dated: April 5, 1983.

The following notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt interstate transportation must file the Notice, Form BOp-102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC. (1) Dallas Co-op, (2) P.O. Box 21, Dallas, Oregon 97338, (3) 1313 Main, Dallas, OR 97338, (4) Junior Updike, P.O. Box 21, Dallas, OR 97338. (1) Farmers Coop Oil Assn., (2) P.O. Box 56, Gully, MN 56646, (3) P.O. Box 56, Gully, MN 56646, (4) Alan E. Van de Streek, Gully, MN 56646.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9230 Filed 4-7-83; 8:45 am]

BILLING CODE 7035-01-M

[OP4-F207]

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: April 4, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

MC-F-15210, WHITFIED ASSOCIATED TRANSPORT, INC., (Control Exemption), TANCO DISTRIBUTING COMPANY, INC., Whitfield Associated Transport, Inc. (Whitfield) (No. MC-136275) and Tanco Distributing Company, Inc. (Tanco) (No. MC-162576) seek an exemption from the requirement under section 11343 of prior regulatory approval for the acquisition, by Whitfield, of all of the issued and outstanding stock of Tanco. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative, Mike Cotten, P.O. Box 1148, Austin, TX 78767. Comments should refer to No. MC-F-15210.

[FR Doc. 83-9225 Filed 4-7-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers 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 problem (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—hat 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, it 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.

By the Commission, Review Board No. 1, Members Parkers, Chandler, and Fortier.

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 3 at (202) 275–5223.

Volume No. OP3–138

Decided: March 31, 1983.

MC 118755 (Sub-6), filed March 18, 1983. Applicant: CIEUTAT PRODUCE COMPANY, Building F Unit 21, State Farmers Market, Forest Park, GA 30050. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133; (404) 949–7756. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 165454 (Sub-1), filed March 17, 1983. Applicant: HURRYIN' HOOSIER TRANSPORT, INC., 2025 North Wabash Ave., P.O. Box 756, Kokomo, IN 46901. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204; (317) 638–1301. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in IL, IN, and OH, and points in Cumberland County, NJ, and Los Angeles and Kern Counties, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166814, filed March 15, 1983. Applicant: D. A. HALL, P.O. Box 179, Route 2, Cumby, TX 75433. Representative: Robert A. Forman, 6606 LBJ Freeway, Suite 5135, Dallas, TX 75240; (214) 934–0963. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166935, filed March 18, 1983. Applicant: MIDCOM SERVICES, INC., 1827 Walden Sq., Schaumburg, IL 60195. Representative: E. H. van Deusen, 2455 N. Star Rd., Columbus, OH 43221; (614) 486–0448. Transporting *food and related products*, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–205

Decided: April 1, 1983.

MC 136726 (Sub-2), filed March 28, 1983. Applicant: BOB RICH-SCHROEDER TRUCKING, INC., 61 Napoleon St., San Francisco, CA 94124. Representative: Marshall G. Berol, 601 California St., Suite 1900, San Francisco, CA 94108; (415) 986–4812. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC–121702.

MC 161986 (Sub-2), filed March 25, 1983. Applicant: ALPHA CARTAGE COMPANY, INC., 45784 Denise Court, Plymouth, MI 48170. Representative: Gilbert R. Stebbins, Jr., Room 230, 5000 Wyoming, Dearborn, MI 48126; (313) 581–6311. Transporting (1) *general commodities* (except classes A and B expolosives, household goods, and commodities in bulk), (a) between points in AL, AR, GA, IL, IN, IA, KY, LA, MI,

MN, MS, MO, NY, OH, PA, TN, TX, and WI, and (b) between points in MI and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *machinery*, between points in the U.S. (except AK and HI).

MC 167067, filed March 28, 1983. Applicant: SANCO FARMS, INC., P.O. Box 728,Tahoka, TX 79373. Representative: Richard Hubbert, P.O. Box 10238, Lubbock, TX 79408; (806) 998-5173. Transporting (1) *agricultural equipment*, (2) *industrial equipment* and (3) *lawn and garden equipment*, between points in TX, NM, OK, IA, IL, WI, MO, KS, IN, NC, NE, TN, AZ, CA, MI, GA, ID, UT, WA, PA, ND, CO, AL, FL, and LA.

[FR Doc. 83-9226 Filed 4-7-83; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-6; Sub-139]

Rail Carriers; Burlington Northern Railroad Co., Abandonment, in Henry County, IL; Findings

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 4.16 mile rail line between Alpha, IL (milepost 18.52), and Woodhull, IL (milepost 14.36) in Henry County, IL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9228 Filed 4-7-83; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-6; Sub-131]

Rail Carriers; Burlington Northern Railroad Company, Abandonment, in McCone County, MT; Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its 11.61-mile rail line between Circle, MT (milepost 50.41) and Brockway, MT (milepost 62.02) in McCone County, MT. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9229 Filed 4-7-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30127]

Rail Carriers; Illinois Central Gulf Railroad Company, Abandonment, Exemption in New Orleans, LA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirements of prior review and approval under 49 U.S.C. 10903 *et seq.* abandonment by Illinois Central Gulf Railroad Company of a 0.33-mile segment of line in New Orleans, LA, subject to standard labor protective conditions.

DATES: This exemption shall be effective on May 9, 1983. Petitions to stay the effectiveness of this decision must be filed by April 18, 1983. Petitions for reconsideration must be filed by April 28, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423; or

(2) John W. Adams, Jr., P.O. box 8271, Mobile, AL 36608.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: March 30, 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. 83-9227 Filed 4-7-83; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Advisory Committee on Job Training Partnership Act; Meeting

Notice is hereby given that a meeting of the Advisory Committee on the Implementation of the Job Training Partnership Act will be held on April 21, 1983, from 9:30 a.m. to 4:00 p.m. at the Quality Inn, 415 New Jersey Avenue, NW., Washington, D.C. The major items to be discussed will be the progress and issues related to implementation of the Job Training Partnership Act.

The public is invited to attend.

For additional information contact: Patrick J. O'Keefe, Acting Administrator, Office of Strategic Planning and Policy Development, Employment and Training Administration, Room 9000, Patrick Henry Building, Washington, D.C. 20213, telephone: (202) 376-6600.

Official records of the meeting will be available for public inspection at Room 9000, Patrick Henry Building.

Signed at Washington, D.C. this 5th day of April 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-9245 Filed 4-7-83; 8:45 am]
BILLING CODE 4510-30-M

Office of Federal Contract Compliance Programs

Court Order; Women's Equity Action League, et al. v. Bell, et al.

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice of court order.

SUMMARY: On March 11, 1983, in the matter of *Women's Equity Action League, et al.* v. *Bell, et al.*, Civil Action No. 74-1720, USDC D.C., Judge John H. Pratt issued an Order requiring the Department of Labor (DOL) to publish in the **Federal Register** the terms of his

Order modifying the 1977 Consent Order in the case. Pursuant to Judge Pratt's Order, DOL herewith publishes the terms thereof.

Signed at Washington, D.C. this April 5, 1983.

Robert B. Collyer,

Deputy Under Secretary of Labor for Employment Standards.

United States District Court for The District of Columbia

Order

In the matter of: Kenneth Adams, *et al.*, Plaintiffs, Civil Action No. 3095–70 v. Terrel H. Bell, Secretary of Education, *et al.*, Defendants; Women's Equity Action League, *et al.*, Plaintiffs, v. Terrel H. Bell, Secretary of Education, *et al.*, Defendants, Civil Action No. 74–1720.

Preamble

i. The Consent order entered by this Court on December 29, 1977 imposed timeframes and related requirements for disposition of cases under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973 and Executive Order 11246, as amended, based upon principles set forth in Paragraph F of this Court's Order of March 14, 1975 and in the Order of June 14, 1976 negotiated by the parties.

ii. Ruling on motions filed by plaintiffs and plaintiff-intervenors, on February 10, 1982 this Court isssued an Order for defendants to show cause whey they should not be held in contempt of court for failure to adhere to the requirements of the December 29, 1977 Order.

iii. After a hearing on the Order to Show Cause, on March 15, 1982, this Court found that the December 29, 1977 Order "has been violated in many important respects"; ordered that the parties attempt to reach an agreement on a new order by August 15, 1982, or absent such agreement that the parties submit separate orders for consideration by the Court; and declined to discharge the Rule to Show Cause, stating that this Court "will again get into the question of what coercion will be necessary to insure the compliance with this Order, absent the consent of the parties."

iv. On July 13, 1982, in a hearing in chambers, this Court again addressed the importance of the order, finding that if the government is "left to its own devices, the manpower that would normally be devoted to this type of thing. . . . might be shunted off into other directions, will fade away and the substance of compliance will eventually go out the window." This Court also stated that the December 29, 1977 Order should provide the structure for any consideration of changes and modifications.

v. The best efforts of the parties did not result in an agreement on an Order.

vi. Consistent with these directives, the provisions herein modify the terms of the 1977 Consent Order as it applies to the defendants officials of the Department of Education (ED) and the Department of Labor (DOL), their successors, agents and employees.

vii. The provisions in Parts I and II herein relate to all educational institutions in the United States covered by Title VI, Title IX and Section 504 which receive financial assistance from ED, and all other entities in the United States which receive ED funds covered by Section 504. The provisions in Part III herein apply to all educational institutions which receive federal contract funds covered by Executive Order 11246.

viii. The Rule to Show Cause is discharged. Nothing in this Order however, shall prevent plaintiffs and intervenors from seeking such further relief as they deem appropriate, against defendants or any other party, to vindicate their rights under the Constitution, Title VI, Title IX, Section 504, the Executive Order, or other provisions.

Defendants, their successors, agents and employees are enjoined as follows:

Part I: Transitional Provisions

1. The complaints and compliance reviews pending at the date of entry of this Order, which have not been processed within the timeframes required by the December 29, 1977 Order, shall be processed in accordance with the provisions of this paragraph:

(a) ED shall resolve (process to the formal enforcement stage, if necessary) all complaints and compliance reviews in which investigations have been completed within 90 days of the date of entry of this Order.

(b) ED shall resolve all complaints and compliance reviews in which investigations have not been completed within 180 days of the date of entry of this Order.

(c) However, ED may resolve up to twenty percent of the total number of these pending complaints and compliance reviews as late as one year from the date of entry of this Order.

(d) All complaints and compliance reviews which have been processed in accordance with the timeframe provisions (¶¶ 15, 22) of the 1977 Order may be processed in accordance with such provisions as modified in Part II of this Order.

2. For those long-pending complaints in which investigations have been effectively suspended, ED shall for 60 days make reasonable efforts to notify the complainant that ED is now prepared to process the complaint. If, after reasonable efforts are made, Ed is unable to locate the complainant or the complainant does not wish to pursue the allegation, the complaint may be closed. Any complaint so closed shall be reopened only upon good cause shown.

Part II: Provisions Regarding Enforcement of the Applicable Laws

A. Definitions

3. A "complaint" is defined as an allegation that an affected institution has violated one or more of the applicable laws and/or the regulations promulgated under those laws. A "complete complaint" is one which (a) identifies the complainant by name and address; (b) generally identifies or describes those injured by the alleged discrimination (names of the injured person or persons shall not be required); (c) identifies the affected institution or individual alleged to have discriminated in sufficient detail to inform the Office of Civil Rights what discrimination occurred and when it occurred to permit ED to commence an investigation. To be complete the complaint need not allege the law or laws being violated. A complaint which is substantially modified or amended by the complainant (e.g. addition of new allegations or recipients) subsequent to its acknowledgment shall be deemed a new complaint for the purposes of computing the permissible time.

4. A "compliance review" is an investigation or review (other than one limited to the investigation of a specific complaint) of an affected institution undertaken by ED in order to determine whether the institution is in compliance with the applicable laws and/or the regulations promulgated under those laws.

5. An "affected institution" is an educational institution or other entity (hereinafter institution) in the United States which administers a program or activity receiving federal financial assistance from ED. The "applicable laws" are Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, as amended.

B. Procedures for Handling Complaints

6. Within 15 calendar days of receipt of a complaint, ED shall notify the complainant in writing whether the complaint is complete or incomplete.

(a) If the complaint is complete, ED shall notify the complainant, within 15 days of receipt of the complaint, whether ED has jurisdiction over the allegations in the complaint, whether the complaint is patently frivolous; of the timeframes, procedures and laws applicable to the processing of the complaint; and if an on-site investigation is planned, the date scheduled for the investigation of the complaint. If it is determined subsequent to the 15 day period that an on-site investigation will be held, notice of the on-site investigation shall be given at the time of such determination.

(b) If the complaint is incomplete, ED shall notify the complainant, within 15 days of receipt of the complaint, of the particular elements missing in the complaint filed, the information and steps needed to complete the complaint, and the date by which further information necessary to complete the complaint must be received. If the information necessary to complete the complaint is not received within 60 days of the notification, ED shall close the complaint and shall so notify the complainant. For good cause shown, requests to reopen complaints which were closed because of incompleteness shall be granted by the Assistant Secretary for Civil Rights or an authorized designee. If the information necessary to complete the complaint is provided within 60 days, ED shall, within 15 calendar days of receipt of the information, notify the complainant of the information described in paragraph (a) herein.

(c) ED shall also notify the complainant that if any individual is harassed or intimidated by the affected institution because of filing of the complaint or participating in the investigation of the

complaint, such individual may file a complaint alleging such harassment or intimidation which will be handled pursuant to the timeframes set forth herein or on an expedited basis, if ED so determines.

7. Within 15 days of receipt of a complete complaint, ED shall notify the affected institution in writing of the nature of the complaint, the timeframes and procedures for processing complaints, the applicable legal authorities, and if an on-site investigation is planned, the date scheduled for the investigation of the complaint. If it is determined subsequent to the 15-day period that an on-site investigation will be held, notice of the on-site investigation shall be given at the time of such determination.

8. During the investigation of the complaint, ED shall investigate all allegations in the complaint, interview the complainant, contact and develop information from the affected institution and witnesses having information relevant and material to determine whether a violation has occurred, and shall afford to each a full opportunity to present all evidence. During the investigation, whenever the Office of Civil Rights (OCR) anticipates making a partial or total finding adverse to the complainant, ED shall advise the complainant of the evidence either by showing the evidence or by summarizing such evidence. Complainants shall be provided a timely opportunity to respond to such evidence.

9. Once ED determines whether a violation has occurred, it shall notify the complainant and the affected institution of the determination through a letter of findings. The letter of findings shall address all allegations and issues raised in the complaint and during the investigation. It shall set out ED's conclusions regarding each allegation and issue, supported by an explanation or analysis of the relevant information on which the conclusions are based, and set out an outline of the corrective action required, if any. If such corrective action is required, the letter of findings must include a determination of noncompliance as the basis for the corrective action. However, this provision does not preclude a negotiated settlement of the complaint before a letter of findings is required to be issued under ¶ 12(b)(1) or ¶ 13(b) below. Further, ED shall notify the complainant that upon request, it will provide to the complainant a copy of all ED correspondence sent to the affected institution subsequent to the letter of findings, pertaining to ED's determination with respect to the complaint.

10. If ED makes a finding of noncompliance, ED shall seek voluntary compliance through negotiations. Prior to the initiation of negotiations, ED shall consult with and obtain from the complainant any information which may be needed to fashion an appropriate remedy. During the period of negotiations, ED also shall keep the complainant advised of the status of the negotiations as they apply to the remedy being sought for the complainant. If OCR believes that a settlement offer less than that requested by the complainant is appropriate, ED shall advise the complainant of the evidence, if any, and the reasons supporting its belief in the manner set forth in ¶ 8 above. If corrective action is secured, ED shall notify the complainant of the corrective action taken.

11. If voluntary compliance cannot be secured through the negotiations process, ED shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law.

C. Timeframes Concerning Complaints

12. ED shall investigate and resolve all complaints under the applicable laws within the following timeframes:

(a) Within 15 calendar days of receipt of a complaint, ED shall issue the notification required in ¶¶ 6(a) or 6(b) above.

(b) Complete complaints:

(1) If the initial complaint is complete or upon its completion, ED shall conduct a prompt investigation to determine whether a violation has occurred. Such determination shall be made in writing within 105 days of receipt of the complete complaint.

(2) If a violation has occurred, ED shall attempt to bring the affected institution into voluntary compliance through negotiations. If such corrective action is not secured within 195 days of receipt of the complaint, ED shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law no later than 225 days after receipt of the complete complaint.

D. Complaint Timeframe Exception

13. In order to allow greater flexibility in the processing of complete complaints such as complaints raising complex issues or requiring policy development, an exception with longer timeframes shall apply:

(a) For those complaints *not* covered by the transitional provisions ¶¶ 1(a)–(c) above, not more than 20 percent of the complaints received in any fiscal year on a national basis or 30 percent of the complaints from any one subject category (Title VI—race; Title VI—national origin; Title IX; Section 504) on a national basis, and not more than 30 percent of the complaints received or handled by any one region shall be excepted from processing in accordance with ¶ 12 above.

(b) ED shall conduct a prompt investigation of such excepted complete complaints to determine whether a violation has occurred. Such determination shall be made in writing within 195 days of receipt of the complete complaint.

(c) If a violation has occurred, ED shall attempt to bring the effected institution into voluntary compliance through negotiations. If such corrective action is not secured within 315 days of receipt of the complete complaint, ED shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law no later than 345 days after receipt of the complete complaint.

E. Compliance Reviews

14. ED shall conduct an appropriate number of compliance reviews in each fiscal year to ensure adequate enforcement of the applicable law: (1) geographically dispersed throughout the country; (2) in Title VI cases, including a representative number of reviews of discrimination in student assignment in large school districts; (3) covering a range of issues in sex discrimination in elementary, secondary, and post-secondary education (including special problems of minority women); (4) covering student and employment programs and practices; (5) in *Lau* compliance reviews, geographically dispersed throughout the country in proporton to the needs in different regions; (6) an appropriate number of compliance reviews under section 504; (7) covering special purpose districts or schools; and (8) covering vocational education districts or schools including reviews of state agencies implementing Methods of Administration pursuant to Section II of the Vocational Education guidelines (45 CFR Part 80, App. B).

F. Compliance Review Procedures

15. At the beginning of each quarter or within ten days after ED notifies an affected institution ED also shall notify the parties which affected institutions will be subject to compliance reviews, the general subject area of the reviews, the dates on which the reviews will be commenced during the coming quarter of the fiscal year, and which reviews will be conducted pursuant to the compliance review timeframe exception under ¶ 16 below.

G. Compliance Review Timeframes

16. Within 90 days of the date that a compliance review commences ED shall determine whether the affected institution is in compliance with the applicable laws with respect to the issues investigated during the review. If the affected institution is in compliance, ED shall notify the affected institution of the specific issues for which compliance has been found and issue a letter of findings setting forth the specific reasons therefor. If outstanding complaints against the affected institution are not resolved during the compliance review, ED shall advise the affected institution that the finding does not address the issues raised in the complaint and in no way prejudices a future investigation of the complaint. If the affected institution is not in compliance, the letter of findings shall set forth the specific reasons therefor, and an outline of the corrective action required. If such corrective action is required, the letter of findings must include a determination of noncompliance as the basis for the corrective action. However, this provision does not preclude a negotiated settlement of the complaint before a letter of findings must be issued under this paragraph and ¶ 16 below. ED shall seek corrective action through negotiations. If such corrective action is not secured within 180 days of the commencement of the review, ED shall initiate formal enforcement action by administrative proceedings or by other means authorized by law no later than 210 days after commencement of the review. If an on-site investigation is scheduled, the timeframes set forth in this paragraph shall run from the date that ED commences the investigation at the site of the affected institution.

17. In the course of the compliance review, ED shall afford parents, students and employees of the affected institution full and

timely opportunity to present to ED information regarding the subject of the affected institution's compliance with the applicable laws.

H. Compliance Review Timeframe Exception

18. In order to allow greater flexibility in the processing of compliance reviews such as those involving complex issues or requiring policy development, an exception with longer timeframes shall apply.

(a) For those compliance reviews not covered by the transitional provisions of ¶¶ 1a–c above, not more than 20 percent of the compliance reviews conducted in any fiscal year on a national basis, not more than 30 percent of the total compliance reviews from any one subject category (Title VI-race; Title VI-national origin; Title IX; Section 504), on a national basis and not more than 30 percent of the reviews conducted by any one region shall be excepted from processing in accordance with the timeframe requirements of ¶ 16 above.

(b) Within 180 days of the date that a compliance review within this exception commences, ED shall determine whether the affected institution is in compliance with the applicable laws with respect to the issues investigated during the review. If the affected institution is not in compliance, ED shall seek corrective action through negotiations. If such corrective action is not secured within 300 days of the commencement of the review, ED shall initiate formal enforcement action by administrative proceedings or by other means authorized by law no later than 330 days after commencement of the review. If an on-site investigation is scheduled, the timeframes set forth in this paragraph shall run from the date that ED commences the investigation at the site of the affected institution. If no on-site investigation is conducted, the timeframes shall run from the date ED requested information from the affected institution.

I. Limited Tolling of Timeframes

19. The timeframes for processing complaints and compliance reviews set forth in ¶¶ 1, 12, 13, 16 and 18 above shall be tolled under the following conditions:

(a) *Witness Unavailability Caused by Extended Absence:* If any person whose testimony is material and relevant to the allegation is unavailable by reason of an extended absence (*e.g.*, summer recess, sabbatical or illness) so that ED is unable to complete the investigation or negotation within the timeframes specified in ¶¶ 1, 12, 13, 16 and 18 above, ED shall notify the complainant (when applicable) that such timeframes shall be tolled during the period of the witness' absence. ED shall also provide a specified date for completion of the investigation or negotiations, which shall be no later than the time remaining in the applicable old timeframe before the timeframe was tolled.

(b) *Court Order:* If a court order prevents the processing of a complaint or compliance review, the applicable timeframes shall be tolled during the pendency of the court order. In the case of complaints, ED shall notify the complainant of the tolling of the timeframe.

(c) *Pending Litigation:* If the Assistant Secretary for Civil Rights determines that pending litigation involving the same affected institution and the same issues as are the subject of a complaint or compliance review prevents or makes inappropriate processing of the complaint or compliance review, the applicable timeframes shall be tolled during the pendency of the litigation. In the case of complaints, ED shall notify the complainant of the tolling of the timeframes.

(d) *Denial of Access to Information:* If an affected institution refuses to allow an investigation to be conducted, or without good cause refuses to supply records or other materials which are necessary, material and relevant and without which the investigation cannot go forward within 60 days of ED's request to do so, ED shall attempt to secure voluntary compliance within 120 days of the request. If compliance cannot be secured voluntarily, ED shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by laws within 150 days of the request, unless the Assistant Secretary for Civil Rights determines that the failure to provide access or supply records or other materials should be joined in an enforcement action of the substantive issues involved in the investigation. Where the information access issue is joined with the substantive issues, the timeframes set forth in ¶¶ 1, 12, 13, 16 and 18 above shall apply. Where the information access issue is not joined to the substantive issues, the timeframes set forth in ¶¶ 1, 12, 13, 16 and 18 shall be tolled until the information is obtained. In the case of complaints, ED shall notify the complainant of the tolling of the timeframes.

(e) *Age Discrimination:* In complaints containing allegations of age discrimination in addition to allegations of violations of Title IX, Title VI or Section 504, in order to allow the complaint to be forwarded to the Federal Mediation and Conciliation Service (FMCS), the applicable timeframe shall be tolled for 60 days or until the complaint is returned to OCR from FMCS, whichever is earlier. If the complaint is not resolved by FMCS within 60 days, ED must resume processing of the complaint within the applicable timeframes. ED shall notify the complainant of the duration of the tolling of the timeframes.

J. Publishing Annual Plans

20. Each year at least 60 days in advance of the fiscal year commencing with fiscal year 1983, ED shall publish a proposed annual operating plan for the coming fiscal year permitting members of the public to comment thereon. After public comment has been received and evaluated, ED shall publish a final annual plan by the close of the first quarter of the fiscal year.

K. Surveys of Affected Institutions:

21. In fiscal year 1979, HEW conducted a survey under all of the applicable laws of a representative number of elementary and secondary school districts on student services and admissions issues. ED intends to continue to conduct such surveys in alternate fiscal years with submissions due in October. Further, ED intends to conduct a survey under all of the applicable laws of a representative number of institutions of higher education that receive or benefit from ED funds covering student services issues. ED also intends to conduct a survey of vocational schools based on the updated universe of recipients included in the Fall 1979 Vocational Education Civil Rights Survey at least once every four years beginning in fall 1983. All surveys shall request the submission of information and data adequate to assist ED in determining where and if compliance reviews should be conducted, and to facilitate the processing of complaints and the identification of possible violations under the applicable laws. If ED plans any changes in the current survey at the conclusion of the present cycle of the OCR 101/102, such plans shall be submitted to plaintiffs and intervenors for comment in advance of their adoption. ED shall require each surveyed school district or affected institution to keep copies of completed surveys on file and make them available to the public on request. For those years that such surveys are submitted to ED, it shall also make the surveys which it collects available to the public.

L. Notice to the Public

22. Within 30 days of the entry of this Order, ED shall print the full terms of this Order in the **Federal Register.**

M. Assurance Forms:

23. ED shall require any educational institution receiving federal funds to have completed Title IX, Title VI and Section 504 assurance forms. If the regulations requiring educational institutions receiving federal funds to complete assurance forms are amended in any way, this paragraph shall be considered amended without the need to return to this Court for formal approval.

N. Reporting:

24. Six Month Reports: Defendants shall provide to the parties twice a year on April 30 (for October 1 through March 31) and on October 31 (for April 1 through September 30), information which may be supplied by computer printouts, showing its enforcement activities occurring in the previous six months as follows:

(a) *Complaint/Compliance Review Actions:*

(1) Similar to defendants' Exhibit B Management Indicators (submitted to the Court during the March, 1982 hearing) showing summary for nation and for each region, by basis, by month (and 6 month average in the reporting period) and showing separately for complaints and compliance reviews: starts/receipts; total closures; investigated closures; total pending; accountable to regions pending; number of investigators working on complaints/compliance reviews; total investigators; percent of investigators on complaints/compliance reviews; total pending per investigator; accountable pending per investigator; productivity; substantive closures; change closures; percent closures resulting in change.

(2) Similar to Table VII of defendants' current report to parties, national and regional summaries of issues for complaints closed during the reporting period or pending

on the last day of the period, by age and by basis.

(3) Similar to Table VII of defendants' current report, national and regional summaries of complaints closed during the reporting period or pending on the last day of the period, by age and by basis.

(4) Identical to Table VI of defendants' current report, a list of recipients subject to compliance reviews, by region, by basis and issue; date of on-site investigation, date of LOF, dates of referral for enforcement and initiation of enforcement.

(5) As currently prepared by OCR, national summary and regional totals of compliance reviews, by basis and by issue (e.g., as set out in paragraph 14 above) including the number of reviews open at beginning and end of reporting period; and started and closed during reporting period.

(b) *Compliance with Timeframes (Complaints and Compliance Reviews)*

Similar to defendants' Exhibit B, referred to in ¶ 24a, *supra, e.g.*, pp. 2, 4 and Table III of current report to parties, showing summaries of due dates within the reporting period and those missed, separately for complaint and compliance review actions, by nation, region and basis, including the reasons for missed due dates. This information shall be provided for the total number of complaints and compliance reviews; for those complaints and compliance reviews processed under the normal timeframes set forth in ¶¶ 12 and 16 above and for those processed under the exceptional timeframes set forth in ¶¶ 13 and 18 above.

(c) *Early Warning Reports:*

Data showing how long each case remains on the Early Warning Reports.

(d) *Letters of Findings:*

Separately for complaints and compliance reviews, a national summary, month by month, of letters of findings issued, the number in which violations were found and the number in which no violations were found.

(e) *Invocation of Timeframe Exceptions:*

The number and percentage of complaints and the number, percentage and identity of compliance reviews placed in the 20 percent exception provisions set forth in ¶¶ 13 and 18 above within the reporting period by nation, region, basis and reason.

(f) *Invocation of Tolling of Timeframe Provisions:*

Separately concerning each of the tolling provisions set forth in ¶ 19 above, the number of complaints and the number and identity of compliance reviews in which the timeframes were tolled within the reporting period by nation, region, basis and reason.

25. Transition Period: Concerning the one year transitional provisions set forth in ¶ 1 above, defendants shall provide reports to the parties seven months and thirteen months from the date of this Order. The reports shall show (broken out by cases investigated and not investigated as of the date of the Order): the number of affected complaints and the number and identity of affected compliance reviews, the number whose due date fell within the reporting period, the number of due dates met, the number of due dates missed and the reasons for missed due dates, summarized by region.

26. Annual Reports: Defendants shall provide by October 31 of each year the following:

(a) Quality Assurance Study reports for the preceding year;

(b) Budget figures proposed by OCR to ED, proposed by ED to OMB and approved by OMB for the following fiscal year;

(c) The final appropriation for OCR for the preceding fiscal year and the total amount of that appropriation expended at the end of the fiscal year;

(d) Staffing data for OCR for the preceding fiscal year and projected for the forthcoming fiscal year, including total staff ceiling, number of positions filled and number of positions vacant.

27. If ED has failed to comply with the obligations set forth in this order, an explanation of the specific reasons for the failure to so comply.

28. ED shall make available to plaintiffs and intervenors in Washington, D.C., upon request and with at least two weeks notice, the file of a closed complaint and/or compliance review with confidential material deleted.

Part III: Executive Order Provisions

29. The foregoing requirements apply to the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor (DOL) in enforcing compliance with the sex discrimination provision of Executive Order 11246 at all institutions of higher education covered by said Executive Order and implementing regulations.

A. Definitions

30. A "complaint" is defined as an allegation that an entity receiving federal funds covered by the Executive Order (contractor) has violated the Executive Order and/or the implementing regulations. A "complete complaint" is one which identifies: (a) The complainant by name and address; (b) a general description of those injured by the alleged discrimination (names of the injured person or persons shall not be required); (c) the contractor, educational entity or individual alleged to have discriminated by name and address; (d) the alleged discrimination in sufficient detail to permit DOL to commence an investigation, describing what occurred, when it occurred, and the basis for its occurring (discrimination on the basis of sex). To be complete the complaint need not allege the law or laws being violated.

31. A "compliance review" (including a pre-award review) is an investigation or review (other than one limited to the investigation of a specific complaint) of a contractor undertaken by DOL in order to determine whether the recipient is in compliance with the Executive Order and/or the regulations promulgated thereunder.

B. Timeframes and Procedures for Handling Complaints

32. Nothing in this Order shall preclude DOL or OFCCP from referring Executive Order complaints to the Equal Employment Opportunity Commission (EEOC) under the Memorandum of Understanding between OFCCP and EEOC, 46 FR 7435 (January 22, 1981, Memorandum of Understanding).

33. Within 15 calendar days of DOL's receipt of a complaint, OFCCP shall acknowledge the complaint and advise complainant that if jurisdiction is found, an investigation will be initiated and that the complainant will be contacted by OFCCP before or during the investigation.

34. If a complaint has been determined to be incomplete and the complaint is not completed within 60 days from the initial federal agency receipt of the original complaint, OFCCP shall close the complaint.

35. When the complaint is complete, OFCCP shall conduct a prompt investigation, determine in writing whether a violation has occurred, (*see* ¶ 36), and notify the complainant in writing of such determination.

36. The written detemination of whether a violation has occurred shall address all allegations and issues raised in the complaint and during the investigation. It shall set out DOL's conclusions regarding each allegation and issue, supported by an explanation or analysis of the relevant information on which the conclusions ae based and set out an outline of the corrective actions required, if any. If such corrective action is required, the letter of findings must include a determination of noncompliance as the basis for the corrective action. In conducting the investigation, DOL shall interview the complainant and shall develop all information relevant and material to the complaint. During the investigation whenever DOL anticipates making a partial or total finding adverse to the complainant, DOL shall advise the complainant of evidence supporting the adverse finding either by showing the evidence or by summarizing such evidence. Complainants shall be provided a timely opportunity to respond to such evidence.

37. If DOL determines that a violation has occurred, DOL shall attempt to correct the violation through mediation, conciliation and persuasion. DOL shall also keep the complainant advised of the status of the negotiations as they apply to the remedy being sought for the complainant. If conciliation fails, DOL shall notify the complainant of the determination and conciliation efforts and shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law.

38. DOL shall investigate and resolve all complaints within the following timeframes:

(a) Within 15 calendar days of receipt of a complaint, DOL shall issue the notification required in ¶ 33 above.

(b) *Complete Complaints:*

(1) If the initial complaint is complete, or upon its completion, DOL shall conduct a prompt investigation to determine whether a violation has occurred. Such determination shall be made in writing within 105 days of receipt of the complete complaint.

(2) If a violation has occurred, DOL shall attempt to bring the educational institution into voluntary compliance through negotiations. If such corrective action is not secured within 195 days of receipt of the complaint, DOL shall initiate formal enforcement action by commencing administrative proceedings or by other means

authorized by law no later than 225 days after receipt of the complete complaint.

39. DOL shall make a preliminary examination of complaints alleging intimidation or retaliation to determine whether the intimidation, coercion, retaliation, etc. are of the nature to require handling of those complaints on an expedited basis.

40. The timeframes for handling compaints set forth herein shall not in any way supersede responsibilities of DOL to meet shorter timeframes (which are therefore fully consistent with this order) set forth in any laws or regulations binding the agency. The Director may grant extenstions for processing of complaints through to enforcement action only where good cause is shown, provided such extensions are no longer than the timeframes provided in ¶ 38 above, ¶ 41 below where the exception in ¶ 41 applies, or ¶ 60 below where ¶ 60 applies.

41. In order to allow greater flexibility in the processing of complete complaints requiring longer timeframes than the standard timeframes provided in ¶ 38 above, the following exception with longer timeframes shall apply:

(a) for those complaints not covered by the transitional provisions ¶ 60 (a)–(c) below, not more than 20 percent of the complaints received in any fiscal year on a national basis, and not more than 30 percent of the complaints received or handled from anyone region shall be excepted from processing in accordance with ¶ 38 above.

(b) DOL shall conduct a prompt investigation of the excepted complete complaints to determine whether a violation has occurred. Such determination shall be made in writing within 195 days fo reciept of the complete complaint.

(c) If a violation has occurred, DOL shall attempt to bring the educational institution into voluntary compliance through negotiations. If such corrective action is not secured within 315 days of receipt of the complete complaint, DOL shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law no later than 345 days after receipt of the complete complaint.

C. Compliance Reviews

42. DOL shall conduct an appropriate number of compliance reviews in each fiscal year of institutions of higher education, which are geographically dispersed throughout the country, to ensure adequate enforcement of the sex discrimination provisions of the Executive Order. In addition, DOL shall conduct pre-award reviews to determine whether an educational institution is currently in compliance with Executive Order requirements before each federal contract of over $1 million is awarded. Such pre-award reviews shall be conducted on-site unless an on-site compliance review has been conducted at the institution within 12 months prior to the award.

D. Compliance Review Procedures and Timeframes

43. (a) In conducting a compliance review or pre-award compliance review, DOL shall investigate and resolve all Executive Order sex-based complaints against the institution of higher education of file with OFCCP at the commencement of the investigation. If, however, the OFCCP Assistant Regional Administrator in charge of the review determines and documents as part of the compliance review report that resolution of an individual complaint may delay completion of the pre-award review, the individual complaint may be deferred and the review concluded. The processing of each deferred individual complaint shall be concluded within the timeframes set forth in ¶ 38 herein.

(b) In conducting the review, DOL shall also request and examine computer tapes requested from and provided by EEOC which summarize complaints alleging discrimination against the institution of higher education being reviewed on file with EEOC at the commencement of the review. DOL shall also examine all employment discrimination complaints on file with ED filed under Title IX against the institution being reviewed. In addition, in accordance with paragraph 6 of the Memorandum of Understanding, DOL shall ascertain whether any unresolved systemic complaint of discrimination against the institution are pending with the EEOC. The subject matter of such systemic EEOC complaints shall be considered during such pre-award review. If these investigations indicate systemic noncompliance, such noncompliance shall be resolved in the review. However, any such investigation and findings are not intended to affect the consideration of such complaints by EEOC.

(c) For the purposes of this Part, class or systemic Executive Order complaints includes those complaints which allege violations affecting more than one job and a number of employees. Individual complaints, on the other hand, are limited in scope and generally to one individual; they also tend to be isolated instances of discrimination.

44. In conducting a compliance review, other than a pre-award review: (a) Within 90 days of the date that a compliance review commences, DOL shall determine whether the contractor is in compliance with the Executive Order and regulations thereunder, including the submission to DOL of an Affirmative Action Plan which meets the requirements of ¶ 52 herein; (b) if the contractor is in compliance, DOL shall notify the contractor of those specific issues for which a finding of compliance has been made; (c) if, with respect to the issues covered in the review, the contractor is not in compliance, the letter of findings shall set forth the specific reasons therefor, and an outline of the corrective action required. If such corrective action is required, the letter of findings must include a determination of noncompliance as the basis for the corrective action. DOL shall attempt to secure voluntary compliance, including, if necessary, the issuance of a show cause notice; and (d) if compliance cannot be secured voluntarily within 180 days of the commencement of the review, DOL shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law within 210 days of the commencement of the review. If an on-site investigation is scheduled, the timeframes set forth in this paragraph shall run from the date that DOL commences the investigation at the site of the contractor. If no on-site investigation is conducted the timeframes shall run from the date DOL requests information from the contractor.

45. The timeframes for handling compliance reviews set forth herein shall not in any way supersede responsibilities of DOL to meet shorter timeframes set forth in any laws or regulations binding the agency except that the Director of OFCCP may for good cause shown grant extensions of time for processing of the compliance review through to referral for enforcement action provided that such extensions are no longer than the timeframes provided in ¶ 44 above, ¶ 47 below where the exception in ¶ 47 applies, or ¶ 60 where ¶ 60 applies.

46. In the course of the compliance review, DOL shall afford employees of the contractors a full and timely opportunity to present information to DOL regarding the subject of the contractor's compliance with the Executive Order.

47. In order to allow greater flexibility in the processing of compliance reviews requiring longer timeframes than the standard timeframes provided in ¶ 44 above, an exception with longer timeframes shall apply:

(a) For those compliance reviews not covered by transitional provision ¶ 60(a)—(c) not more than 20 percent of the compliance reviews conducted in any fiscal year on a national basis, and not more than 30 percent of the compliance reviews conducted by any one region shall be excepted from processing in accordance with the timeframe requirements of ¶ 44 above.

(b) Within 180 days of the date that a compliance review within this exception commences, DOL shall determine whether the contractor is in compliance with the Executive Order with respect to the issues investigated during the review. If the affected institution is not in compliance, DOL shall seek corrective action through negotiations. If such corrective action is not secured within 300 days of the commencement of the review, DOL shall initiate formal enforcement action by administrative proceedings or by other means authorized by law no later than 330 days after commencement of the review. If an on-site investigation is scheduled, the timeframes set forth in this paragraph shall run from the date that DOL commences the investigation at the site of the contractor. If no on-site investigation is conducted, the timeframes shall run from the date DOL requested information from the contractor.

48. Limited Tolling of Timeframes: The timeframes for processing complaints and compliance reviews set forth in ¶¶ 38, 41, 44, 47 above and ¶ 60 below shall be tolled under the following conditions:

(a) *Witness Unavailability Caused by Extended Absence:* If any person whose testimony is material and relevant to the allegation is unavailable by reason of any extended absence (*e.g.*, summer recess, sabbatical or illness) so that DOL is unable to complete the investigation within the timeframes specified in ¶¶ 38, 41, 44, 47 and

60, such timeframes shall be tolled during the period of the witness' absence. DOL shall set a specified date for completion of the investigation, which shall be no more than the time remaining in the applicable old timeframe before the timeframe was tolled.

(b) *Court Order:* If a court order prevents the processing of a complaint or compliance review, the applicable timeframes shall be tolled during the pendency of the court order.

(c) *Pending Litigation:* If the Director of OFCCP determines that pending litigation involving the same contractor and the same issues as are the subject of a compliance review or complaint prevents or makes inappropriate processing of the compliant or compliance review, the applicable timeframes shall be tolled during the pendency of the litigation.

(d) *Denial of Access to Information:* If the institution refuses to allow an investigation to be conducted, or without good cause refuses to supply records or other materials which are necessary, material and relevant and without which the investigation cannot go forward, within 60 days of DOL's request to do so, DOL shall attempt to secure voluntary compliance within 120 days of the request. If compliance cannot be secured voluntarily, DOL shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law within 120 days of the request, unless the Director of OFCCP determines that the failure to provide access or supply records or other materials should be joined in an enforcement action of the substantive issues involved in the investigation. Where the information access issue is joined with the substantive issues, the timeframes set forth in ¶¶ 38, 41, 44, 47 and 60 shall apply. Where the information access issue is not joined with the substantive issues the timeframes provisions set forth in ¶¶ 38, 41, 44, 47 and 60 shall be tolled until the information is obtained.

49. Pre-Award Reviews: A pre-award determination that an educational institution is currently in compliance with Executive Order requirements shall be made before each contract of over $1 million is awarded. Such a finding shall include but not necessarily be limited to a determination that:

(a) alleged sex discrimination violations have been resolved in accordance with ¶ 43 above;

(b) the contractor is in compliance with its obligation to have an approved Affirmative Action Plan (as that term is defined in ¶ 52 below); and

(c) the contractor has complied with the terms of its affirmative action program after a review of such information.

50. If the terms of ¶ 49 are not met, DOL shall take action in accordance with the provisions of 41 CFR 602.2(b) to limit the award of contracts to educational institutions found not to be in compliance with ¶ 49 until the educational institution comes into compliance therewith.

51. OFCCP shall develop and implement a system for contracting agencies to notify OFCCP of contracts in excess of $10,000 awarded to institutions of higher education, and for monitoring whether adequate notice is being given to OFCCP to permit a pre-award review to be conducted before award of contracts of $1 million or more. Such system shall be in operation by the end of 1983.

E. Executive Order Affirmative Action Plan

52. DOL shall require each institution which must maintain an affirmative action plan (AAP), including annual updates thereof, to meet all the requirements of the Executive Order and regulations concerning an AAP and to submit such AAP to DOL within thirty days of a DOL request for submission.

53. If a contractor refuses to submit an AAP within 30 days of DOL's request to do so, DOL shall issue a 30 day show cause notice within 40 days of the request unless other enforcement action authorized by law is to be taken. Subject to the provisions of ¶ 55 below, if a show cause notice is issued and good cause is not shown, OFCCP shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law within 90 days of the request.

54. In the course of the AAP review, DOL shall afford employees of the contractor a full and timely opportunity to present information to DOL regarding the subject of the plan's compliance with the Executive Order.

F. Withdrawal of Show Cause Notice

55. A show cause notice, issued by DOL as set forth herein, shall not be withdrawn unless the standards and procedures set forth in the OFCCP Memorandum of April 18, 1977 to Heads of All Agencies are met.

G. Recordkeeping

56. DOL shall maintain current EEO–6 data, or any successor data providing a workforce breakdown, and shall make such information available to members of the public pursuant to a request.

57. Commencing within one year after the entry of the Order, DOL shall maintain a complete and current list of all educational institutions covered by the Executive Order by state and in alphabetical order, the amounts of the contracts, and the contracting federal agencies. Such lists shall be made available to the public.

58. DOL shall maintain adequate records for determining the number and status of complaints, compliance reviews and affirmative action plan reviews under the Executive Order.

H. Notice ot Public

59. DOL shall publish in the **Federal Register** within 30 days after the effective date of this Order the full terms of this Order.

I. Provisions for Transition Period

60. The complaints and compliance reviews pending at the date of entry of this Order which have not been processed within the timeframes required by the December 29, 1977 Order, shall be processed in accordance with the provisions in this paragraph:

(a) DOL shall resolve (process to the final enforcement stage, if applicable) all complaints and compliance reviews in which investigations have been completed within 90 days of the date of entry of this Order.

(b) DOL shall resolve all complaints and compliance reviews in which investigations have not been completed within 180 days of the date of entry of this Order.

(c) However, DOL may resolve up to twenty percent of the total number of these pending complaints and compliance reviews as late as one year from the date of entry of this Order.

(d) All complaints and compliance reviews which have been processed in accordance with the timeframe provisions of the 1977 Order may be processed in accordance with the timeframe provisions as modified in Part III of the Order.

61. For those long-pending complaints in which investigations have been effectively suspended, DOL shall for 60 days make reasonable efforts to notify the complainant that DOL is now prepared to process the complaint. If after reasonable efforts are made, DOL is unable to locate the complainant or the complainant does not wish to pursue the allegation, the complaint may be closed.

J. Reporting

62. Twice a year on April 30 (for October 1, through March 31) and on October 31 (for April 1 through September 30) DOL shall provide plaintiffs information which may be supplied by computer printouts, showing its enforcement activities under the Executive Order for institutions of higher education which occurred in the previous two quarters of the fiscal year, as follows:

(a) Summaries showing by region for each six month period: (1) The total number of complaints received; (2) the total number of complaints pending at the beginning of the period; (3) the total number of complaints pending at the end of the period; (4) the total number of complaints closed during the period; (5) the total number of complaints closed because no violation was found; (6) the total number of complaints where findings of violations were made; (7) the total number of complaints closed after corrective action was secured; (8) the total number of cases where DOL initiated enforcement action. Such report need not include any complaints which were on file with EEOC and investigated during compliance reviews.

(b) For each complaint received or unresolved: (1) Identification of the complaint by log number and date of initial receipt; (2) the institution against whom the complaint was filed; (3) the substantive allegations raised in the complaint; (4) whether it is a retaliation complaint; (5) the date of acknowledgement of receipt pursuant to ¶ 33; (6) the date a letter of findings was sent and whether or not a violation had occurred; (7) the date corrective action was secured or negotiations were terminated; (8) the date that DOL commenced formal enforcement action.

(c) For each compliance review pending or closed in the previous two quarters: (1) the identity of the institution; (2) whether the contractor's AAP was requested as part of the review and the date the AAP was requested; (3) whether conducted as an on-site or off-site investigation; (4) if on-site, the date on-site investigation was started; (5) the issues covered in the compliance review (*e.g.*, salaries; recruitment, promotion policies,

compliance with AAP); (6) whether the AAP was approved; (7) the date a letter of findings was sent determining whether a violation had occurred; (8) whether or not a violation was found; (9) the date a show cause letter was sent; (10) the date corrective action was secured or negotiations were terminated; (11) if applicable, the date that DOL initiated formal enforcement action.

(d) For each contract of over $1 million on which a federal agency requested a pre-awarded determination with regard to an educational institution, in the previous two quarters: (1) The identity of the institution; (2) the agency requesting the determination; (3) the amount of the contract, if known to DOL; (4) the date the contracting agency informed DOL that the contract was to be let; (5) the dates that DOL conducted its pre-award review; (6) the date that DOL determined whether the recipient was in compliance; (7) the determination by DOL of whether the recipient was in compliance; (8) if the recipient was not in compliance, the action taken by DOL and the date thereof.

(e) If DOL failed to comply with the timeframes or other obligations set forth in this Part, an explanation of the specific reasons for the failure to so comply.

63. The number, percentage and identity of complaints and compliance reviews placed in the 20 percent exception provisions set forth in ¶¶ 41 and 47 above within the reporting period by nation, region and reason.

64. Separately concerning each of the tolling provisions set forth in ¶ 48 above, the number and identity of complaints and compliance reviews in which the timeframes were tolled within the reporting period by nation, region and reason.

65. Concerning the one year transitional provisions set forth in ¶ 60 above, defendants shall provide reports to plaintiffs seven months and thirteen months from the date of this Order. The reports shall show (broken out by cases investigated and not investigated as of the date of the Order): the number and identity of affected complaints and compliance reviews the number whose due date fell within the reporting period, the number of due dates met, the number of due dates missed and reasons for missed due dates, summarized by region.

66. Defendants shall provide by October 31 of each year the following:

(a) Budget figures proposed by OFCCP to DOL, proposed by DOL to OMB and approved by OMB for the following fiscal year;

(b) The final appropriation for OFCCP for the preceding fiscal year and the total amount of that appropriation expended at the end of the fiscal year;

(c) Staffing data for OFCCP for the preceding fiscal year and projected for the forthcoming fiscal year, including total staff ceiling, number of positions filled and number of positions vacant.

67. DOL shall make available to plaintiffs in Washington, D.C., upon request and with at least two weeks notice, the file of a closed complaint, pre-award review, compliance review, and/or affirmative action plan review with confidential material deleted.

Part IV: Cost and Attorneys' Fees

Plaintiffs and intervenors are entitled to costs (including deposition costs) in connection with the monitoring of the December 29, 1977 Order and the entry of the instant Order. Plaintiffs and intervenors are also entitled under 28 U.S.C. 2412 and 42 U.S.C. 1988 to the award of reasonable attorneys' fees in connection with the monitoring of the December 29, 1977 Order and the entry of the instant Order. Applications of award of costs and fees shall be filed within 60 days unless resolved by settlement.

Dated: March 10, 1983.

John H. Pratt,

United States District Judge.

[FR Doc. 83-9338 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-27-M

Mine Safety and Health Administration

[Docket No. M-82-131-C]

Bow Valley Coal Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Bow Valley Coal Resources, Inc., Coalgood, Kentucky 40818 has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to the following mines:

Belmon No. 3 (I.D. No. 15-08700), Belmon No. 8 (I.D. No. 15-11283), Belmon No. 9 (I.D. No. 15-11882), Dulcimer No. 1 (I.D. No. 15-08919), Dulcimer No. 2 (I.D. No. 15-12772), Oxford No. 2A (I.D. No. 15-02799), Oxford No. 4 (I.D. No. 15-12215), Oxford No. 5 (I.D. No. 15-12869), Smith No. 2 (I.D. No. 15-11197), Smith No. 5 (I.D. No. 15-11285), Smith No. 6 (I.D. No. 15-12216), Smith No. 7 (I.D. No. 15-13479), Dulcimer No. 4 (I.D. No. 15-13677), Belmon No. 10 (I.D. No. 15-12328), and Harlan Fuel Company No. 19 (I.D. No. 15-12894), all located in Harlan County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all haulage equipment be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment.

2. As an alternate method, petitioner proposes to use a remote diconnect lever on the mines' rail equipment. This lever is installed on a pivot pin and has the coupling pin permanemtly fastened to the lever. As the lever is pushed down, the coupling pin is pulled out of the hole, allowing the car and motor to be separated. The lever assembly is also equipped with an up and down position lock to assure that the lever does not slip down and cause the accidental uncoupling of the cars.

3. Petitioner states that using this lever will allow the coupling pin to be removed by remote means without placing the worker in a hazardous location. No one will be between the car and the motor while haulage equipment is coupled.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-9112 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-3-M]

Cathedral Bluffs Shale Oil Co.; Petition for Modification of Application of Mandatory Safety Standard

Cathedral Bluffs Shale Oil Co., P.O. Box 2687, Grand Junction, Colorado 81502 has filed a petition to modify the application of 30 CFR 57.21-78 (permissible equipment) to its Cathedral bluffs Mine (I.D. No. 05-03140) located in Rio Blanco County, Colorado. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that only permissible equipment maintained in permissible condition be used beyond the last open crosscut or in places where dangerous quantities of flammable gas are present or may enter the air current.

2. Methane samples taken at the mine indicate that dangerous quantities of methane are nonexistent for the mine. Larger concentrations, or gas pockets, if they exist, would first be encountered either with pneumatic drilling equipment which operate under wet conditions or at the time of blasting when the shaft is completely evacuated of personnel.

3. Petitioner states that nonpermissible equipment will not be used where methane concentration is in

excess of one percent; therefore, petitioner seeks a modification of the standard to permit the use of nonpermissible equipment in the mine. Specifically, petitioner proposes to use a 4-wheel drive scooptram manufactured by Wagner Mining Equipment Company under the following conditions:

a. Air quality control monitoring will be done by hand-sampling methods at specified locations and intervals, with appropriate recordkeeping procedures;

b. Ventilation will be provided by a twin 50 hp permissible type fan mounted near the Service shaft (fresh air source), with air provided by flexible vent tubing. Return air from the heading will be exhausted into the Production shaft and directly out of the mine;

c. If circumstances permit, permissible explosives will be used. Some minor water is expected, particularly in the lifter holes, so that ANFO will not be used. Nonel blasting caps will be used, detonated by a single electric cap tied into the main blasting line in the shaft. All miners will be removed from the mine before blasting and normal methane checks will be made before and after blasting. Drillholes will be a nominal one and one-half inch diameter and drilled eight feet deep. The holes will be loaded with explosives to a depth of six feet.

4. Petitioner states that the procedures outlined above provide the same degree of safety for the miners affected as that afforded by the standard, and for these reasons requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address.

Dated: March 31, 1983.

Patricia W. Silvey

Acting Director Office of Standards, Regulations and Variances

[FR Doc. 83-9117 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-14-C]

D & D Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

D & D Coal Company, R.D. No. 2, Box 309, Pine Grove, Pennsylvania 17963 has filed a petition to modify the application of 30 CFR 75.902 (low- and medium-voltage ground check monitor circuits) to its No. 2 Slope (I.D. No. 36-05384) located in Schuylkill County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that low- and medium-voltage resistance grounded systems include a failsafe ground check circuit to monitor continuously the grounding circuit.

2. The mine generates 480-volt, 3-phase power with a diesel-powered generator, which energizes two 13 hp sump-pumps. The power conductors are 2/0 copper and the grounding conductor, which is continuous from the surface grounding electrodes to the underground electrical equipment, is 1/0 copper.

3. There are no personnel in the mine while electrical circuits are energized. There is no high voltage at the mine. There is no portable or mobile equipment in the mine.

4. Water is pumped from the mine before or after personnel are in the mine. Pump repairs are made by outside contractors and not at the mine. Since there are no personnel in the mine during pumping, there is no chance of personnel contracting the energized frames of mining machinery which might become energized through failure of the insulation of the power conductors.

5. As an alternate method, petitioner proposes that:

a. No personnel will enter the mine while circuits are energized;

b. The pumps, which are controlled from the surface, will be locked out at the disconnect switch by the mine superintendent before personnel enter the mine; and

c. A warning sign of adequate size will be posted at the mine's entry.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address.

Dated: March 31, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-9115 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-18-C]

Eastern Associated Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Eastern Associated Coal Corporation, Koppers Building, Pittsburgh, Pennsylvania 15219 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its Kopperstown No. 1 Mine (I.D. No. 46-01537) located in Raleigh, Wyoming and Boone Counties, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that air currents used to ventilate structures or areas enclosing electrical installations be coursed directly into the return.

2. The 4 Panel Right Mains Area and the adjacent Pond Fork Mains Area have been almost exclusively mined by the longwall method, with the resultant potential for numerous surface breaks, particularly in the vicinity of the seam outcrops. Such surface breaks which occur near gob bleeders and extensively mined areas with minimal ground cover are determental to the safety and efficiency of a negative pressure (exhausting) system of ventilation. Better roof control in the headgate and tailgate entries was obtained with the change from a four- to three-entry development system. Due to the length of the longwall panel, a belt conveyor drive is required approximately 2,500 feet in by the mouth of the panel.

3. As an alternate method to coursing air currents used to ventilate belt line transfer point transformers on longwall headgates into a return, petitioner proposes to use a positive pressure (blowing) system for the currently active 4 Panel Right Mains Area. An eight-foot diameter fan has been installed at the mouth of these mains to provide ventilation improvements. Upon activation of the positive pressure ventilation system, all of the entries on the longwall headgate will become intake aircourses, with the belt conveyor in No. 1, supply track in No. 2 and intake

escapeway in No. 3. Since the air in both No. 2 and No. 3 entries will be used to assure a sufficient volume of intake ventilation to the longwall face and the air in the No. 1 entry must be directed to a return aircourse, a return air split is eliminated in the headgate entries of the longwall panel.

4. In support of this proposed alternate method, petitioner proposes to install and maintain dry chemical fire suppression devices on the transfer point belt line transformers on the 19 Left and 20 Left 4 Panel Right headgate panels during longwall pillar work. These devices will also be installed on all future active longwall headgates where excessive length of beltlines or grades requires the use of belt transfer points to support longwall pillaring.

5. Petitioner states that the alternate method outlined above will provide the same degree of safety as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address:

Dated: March 31, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-9114 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-133-C]

H.J.H. Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

H.J.H. Coal Company, Inc., Route 1, Box 525-A, Grundy, Virginia 24614 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Mine No. 3 (I.D. No. 44-04920) located in Buchanan County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be examined in their entirety on a weekly basis.

2. The mine has two abandoned sections ventilated by one bleeder split of air. The roof in the immediate area is shale and is generally weak; the roof bolts tend to loosen, or layers of shale will fall between bolts. These conditions, cause difficulty in maintaining a safe travelway through approximately 6,000 feet of abandoned works.

3. No methane has been found in the return air.

4. As an alternate method, petitioner proposes to establish three check points in this bleeder split for the purpose of making weekly tests for air quality and methane. Results of these tests will be kept in a book in the mine office, and made available upon request.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address.

Dated: March 31, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-9116 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-98-C]

Kenellis Energies, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Kenellis Energies, Inc., P.O. Box 194, Harco, Illinois 62945 has filed a petition to modify the application of 30 CFR 75.503 (permissible equipment) to its Brushy Creek Mine (I.D. No. 11-02636) located in Saline County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all electric face equipment taken into or used in by the last open crosscut be maintained in permissible condition.

2. Petitioner seeks a modification of the standard to permit the use of Joy continuous mining machines with the foot switch (dead man switch) removed.

3. Petitioner states that the foot switches are found to be taped or wired in the down position, and due to the switches' location on the equipment and the mine's low wet seam, the switches become dirty and corroded, oftentimes remaining in the down position by themselves.

4. Petitioner further states that the switch location on the machine presents a stumbling hazard to operators getting into and out of the cab, resulting in a diminution of safety.

5. Because the tram levers are self-centering, and the foot switches are only in the tram circuit, petitioner believes that the tram levers are as good or better than the foot switches. In the event of an emergency, when the operator removes physical pressure from the tram levers and/or foot switches, the machines will not tram. Both devices serve the same function; they both return to neutral without physical pressure being applied.

6. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address.

Dated: March 31, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 83-9113 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-19-C]

North River Energy Co.; Petition for Modification of Application of Mandatory Safety Standard

North River Energy Company, P.O. Drawer 519, Berry, Alabama 35546 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its North River No. 1 Mine (I.D. No. 01-00759) located in Fayette County, Alabama. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that permissible equipment taken into or used in by the last open crosscut be maintained in permissible condition.

2. Petitioner seeks a modification of the standard to permit the trailing cable for the shuttle cars and the roof bolter to be 750 feet in length, instead of the maximum allowable length of 550 feet, as specified in 30 CFR 18.82. The additional length is necessary to allow for two breakthroughs and additional development, giving sufficient room to operate safely once a belt and power move is completed.

3. In support of this request, petitioner states that all sections of the mine are equipped with impedence type ground monitoring devices that assure continuity of the pilot and ground circuits through the trailing cables to the various pieces of mobile equipment. This will remove power from the cables and equipment when a variance of three ohms resistance is detected in the individual systems. This ground check system is functioning properly and provides the monitoring and safety necessary for the various trailing cables.

4. Petitioner states that the alternate proposal outlined above will provide the same or greater degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address.

Dated: March 31, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-9118 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of forms under review: On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in. Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and questions: Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New (not previously approved or expired more than 6 months ago)

- Employment Standards Administration

Payroll Form
WH-347
Weekly
Businesses or other institutions
Small business or organization
SIC: Multiple
11,000,000 responses; 5,500,000 hours; 1 form

Report is used to certify payrolls in accordance with the requirements of the Copeland Act and the Davis-Bacon Act attesting that proper wage rates plus specified fringe benefits have been paid. Contracting officials use these payrolls to verify that legal rates are being paid and as an aid in determining that employees are properly classified for the work they perform (29 CFR 3.3, 5.5(a)(3)(ii)).

- Labor-Management Services Administration

Alternative Method of Compliance with Updated Summary Plan Description Requirements under ERISA
Every fifth plan year for plans that have been amended during the five year period. Every tenth year for plans that were not amended during the five year period.
Businesses or other institutions; small businesses or organization
SIC: All
11,644,143 responses; 3,285,457 hours

This is a proposed alternative method of compliance with the updated summary plan description requirements under ERISA. In general, the proposed alternative would, upon adoption, permit administrators of employee benefit plans to furnish participants with a "notice" and, upon request, a copy of the previously prepared SPD and relevant changes thereto in satisfaction of the statutory five year updated SPD requirements.

Extension

- Employment Standards Administration

Employee Mail Interview Form (English and Spanish)
WH-42
On occasion
Individuals or households
100,000 Responses; 33,333 hours; two forms

The form is used in selected instances during the course of investigations for compliance under the Fair Labor Standards Act, Public Contracts Act, Davis-Bacon and Related Acts. Since violative practices may not be apparent from the records an employer maintains, investigative procedures normally include interviews with at least some employees.

Signed at Washington, D.C. this 1st day of April, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-9130 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-27-M

[Secretary of Labor's Order 5-83]

Delegation of Authority and Functions; Deputy Under Secretary for Employment Standards

April 1, 1983.

Subject: Delegation of Authority and Assignment of Responsibilities for the Migrant and Seasonal Agricultural Worker Protection Act.

1. *Purpose.* To delegate authority and assign responsibilities under the Migrant and Seasonal Agricultural Worker Protection Act to the Deputy Under Secretary for Employment Standards.

2. *Authority and Directives Affected.*

a. *Authority.* This Order is issued pursuant to the Act of March 4, 1913 (37 Stat. 736); 29 U.S.C. 551, 5 U.S.C. 301 and 302(b)(1); and the Migrant and Seasonal Agricultural Worker Protection Act, Pub. L. 97-470.

b. *Directives Affected.* Secretary's Orders 4-75 and 16-75 will be updated to reflect the provisions of this Order.

3. *Background.* The passage of the Migrant and Seasonal Agricultural Worker Protection Act repealed the Farm Labor Contractor Registration Act (Pub. L. 88-582). The new law provides improved protection of working and living conditions for migrant and seasonal agricultural workers and also reduces unnecessary regulatory burdens on agricultural employers and associations.

4. *Delegation of Authority and Assignment of Responsibilities.*

a. *The Deputy Under Secretary for Employment Standards* is delegated authority and assigned responsibility, except as herein provided, for carrying out the policies, programs, and activities of the Department of Labor under the Migrant and Seasonal Agricultural Worker Protection Act. This includes directing field programs, executing those functions to be performed by the Secretary of Labor, and making organizational changes within policies established by the Secretary. The Deputy Under Secretary for Employment Standards shall perform these functions in accordance with existing governmental and departmental regulations, orders and procedures.

b. *The Solicitor of Labor* is responsible for providing legal advice and assistance to all officials of the Department relating to the administration of the Migrant and Seasonal Agricultural Worker Protection Act. The bringing of legal proceedings under the Migrant and Seasonal Agricultural Worker Protection Act, the representation of the Secretary of Labor and/or other officials of the Department of Labor, and the determination of whether such proceedings or representation is appropriate in a given case are delegated exclusively to the Solicitor of Labor.

5. *Redelegation of Authority.* The authority and responsibilities delegated to the Deputy Under Secretary for Employment Standards and the Solicitor of Labor may be redelegated.

6. *Reservation of Authority.* The preparation of reports and recommendations to the President and the Congress concerning the administration of the Migrant and Seasonal Agricultural Worker Protection Act is reserved for the Secretary. Decisions under sections 103(b)(2) and 503(b)(2) which permit the Secretary to modify or vacate the decision of an administrative law judge shall also be reserved for the Secretary.

7. *Effective Date.* This Order is effective immediately.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 83-9179 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-23-M

Employment Standards Administration

[Order No. 83-1]

Delegation of Authority, Organization, and Functions, Wage and Hour Administrator

April 4, 1983.

Subject: Redelegation of Authority and Reassignment of Responsibility for the Migrant and Seasonal Agricultural Worker Protection Act.

1. *Purpose:* To redelegate and reassign responsibility under the Migrant and Seasonal Agricultural Worker Protection Act to the Wage Hour Administrator.

2. *Authority and Directives Affected.* Secretary's Order 16-75 delegated authority and assigned responsibility for employment standards programs to the Assistant Secretary for Employment Standards, with the authority to redelegate. Secretary's Order 81-1 transferred all previous delegations of authority from the Assistant Secretary to the Deputy Under Secretary for the Employment Standards, without affecting existing redelegations within ESA.

Employment Standards Order 78-1 redelegated program authority within ESA, including redelegation of authority for carrying out specific programs to the Wage Hour Administrator, the Director for the Office of Federal Contract Compliance Programs, and the Director, Office of Workers' Compensation Programs, and for the local administration of all ESA programs to the ESA Regional Administrators. Employment Standards Order 80-2 amended Order 78-1 with respect to the authority of the Wage Hour Administrator and officials who act for the Administrator in his or her absence. This order further amends 78-1 and 80-2 by providing an additional redelegation to the Wage Hour Administrator.

3. *Redelegation of Authority and Reassignment of Responsibility.* The Wage Hour Administrator is hereby redelegated authority and reassigned responsibility for the Migrant and Seasonal Agricultural Worker Protection Act of 1983, Public Law 97-470.

4. *Redelegation of Authority.* The authority delegated and responsibilities assigned by this Order may be redelegated in a manner made consistent with further redelegations made pursuant to Orders 78-1 and 80-2. Such redelegations must be in writing and a copy submitted to OMAP, Division of Personnel and Organization Management.

5. *Effective Date.* This Order is effectively immediately.

6. *Filing.* This Order should be maintained by ESA Manual Holders in Section 5300, Delegations of Authority, of the ESA Manual of Administration.

Robert B. Collyer,

Deputy Under Secretary.

[FR Doc. 83-9089 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-27-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Reactor Radiological Effects; Meeting

The ACRS Subcommittee on Reactor Radiological Effects will hold a meeting on April 28-30, 1983 in Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will review NRC Staff's response to the ACRS comments and recommendations on control room habitability, Shippingport decommissioning, the potassium iodide (KI) issue, and generic safety issues that relate to radiological effects, site evaluation, and waste management. Notice of this meeting was published March 23, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its

consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, Friday, and Saturday—April 28, 29 and 30, 1983—8:30 a.m. until the conclusion of business each day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, industry and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Ms. R. C. Tang (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close sessions of this meeting to public attendance to protect material, the premature disclosure of which might significantly frustrate implementation of proposed agency action. The authority for such closure is Exemption 9(B) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

Dated: April 5, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-9275 Filed 4-7-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Class-9 Accidents; Meeting

The ACRS Subcommittee on Class-9 Accidents will hold a meeting on April 25 and 26, 1983, Room 1046 at 1717 H Street, NW., Washington, DC. Notice of this meeting was published March 23, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Monday, April 25, 1983—8:30 a.m. until the conclusion of business

The Subcommittee will review "The Industry Degraded Core Rulemaking (IDCOR) Program.

Tuesday, April 26, 1983—8:30 a.m. until the conclusion of business

The Subcommittee will discuss with the Office of Research containment performance, status of source term work and recent decisions on the severe fuel damage program.

During the initial portion of the meeting, the Subcommittees, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Gary Quittschreiber or Staff Engineer, Mr. Alan B. Wang (Telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 5, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-9276 Filed 4-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-373]

Commonwealth Edison Co.; Issuance of Amendment of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. NPF–11, issued to Commonwealth Edison Company for operation of the La Salle County Station, Unit No. 1 (the facility) located in Brookfield Township, La Salle County, Illinois.

This amendment grants a change to the Technical Specifications which allows a reduction of level requirements for carbon dioxide storage tanks. The Amendment is effective as of the date of issuance.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commisson's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment and in the safety evaluation in support of the Amendment. Prior public notice of the license 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 February 24, 1983; (2) Amendment No. 13 to License No. NPF–11 dated April 1, 1983, and (3) the related safety evaluation in support of the Amendment. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and the Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Marylan.l this 1st day of April 1983.

For the Nuclear Regulatory Commission.

A. Bournia,

Acting Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-9277 Filed 4-7-83; 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. 47 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District (the licensee), 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 Appendix A TSs to show the relocation of one fire hydrant to a new location 25 feet south of its present location.

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 December 7, 1983, (2) Amendment No. 47 to License No. DPR-54, and (3) the Commission's letter to the licensee dated March 29, 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 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 29th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 83-9278 Filed 4-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Comanche Peak Steam Electric Station, Units 1 and 2; Docket Nos. 50-445-OL and 50-446-OL; ASLBP No. 79-430-06 OL]

Texas Utilities Generating Company, et al.; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board for *Texas Utilities Generating Company, et al.* (Comanche Peak Steam Electric Station, Units 1 and 2), Docket Nos. 50-445-OL and 50-446-OL, is hereby reconstituted by appointing Administrative Judge Peter B. Bloch as Chairman in place of Administrative Judge Marshall E. Miller, who is presently unable to continue to serve because of a recent eye injury.

As reconstituted, the Board is comprised of the following Administrative Judges:

Peter B. Bloch, Chairman
Dr. Kenneth A. McCollom
Dr. Walter H. Jordan

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge Peter B. Bloch, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 4th day of April 1983.

Robert M. Lazo,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 83-9279 Filed 4-7-83; 8:45 am]

BILLING CODE 7590-01-M

Office of Management and Budget

[Circular A-102]

Uniform Requirements for Grants to State and Local Governments

AGENCY: Office of Management and Budget.

ACTION: Notice.

EFFECTIVE DATE: April 8, 1983.

SUMMARY: This announces arrangements worked out between certain States and Federal agencies that will take the Federal lead in the audit partnership with those States. Moreover, it offers other States, not now doing so, an opportunity to make similar arrangements.

In the fall of 1980, following consultation with Federal and State officials and others, OMB made assignments of responsibility for audits of States on a department by department basis, i.e. a Federal agency assigned to each major State department. In the two years since 1980, there have been substantial advances in State level accounting and auditing, increased experience with the single audit approach, greater use of automation, and better coordination among the different levels of government. Accordingly, many States desire to make Statewide audits or at least increase the coordination of individual departmental audits. This announcement comes as a result of that desire and a concomitant willingness on the part of the Federal Government to accommodate the States.

The responsibilities of a "Cognizant Federal Audit Agency" are specified in Attachment P of Circular A-102. A related publication, entitled *Cognizant Audit Agency Guidelines*, (available from the regional offices of the Federal Inspectors General), provides information on the roles of the different Federal agencies when one agency is assigned the lead.

The recent assignments are as follows:

Federal Agency and States

Education:

Delaware
Florida
Louisiana
North Dakota

Labor:

New Hampshire

Health and Human Services:

California
Tennessee
New Jersey
Rhode Island
North Carolina

Transportation:

Maryland
Oklahoma

Agriculture:

Minnesota
Pennsylvania

FOR FURTHER INFORMATION CONTACT: Palmer A. Marcantonio, Management Reform Division, Office of Management and Budget, Washington, D.C. 20503.

SUPPLEMENTARY INFORMATION: This announcement relates to another, dated Monday, October 6, 1980, (Volume 45, No. 195, page 66338), entitled "Federal Agencies Responsible for audits of States."

States desiring more information, or wanting to secure similar arrangements for a lead cognizant audit agency, should contact the Federal Inspector General staff of the regional office closest to them, or the Office of Management and Budget at the address below.

Working with Federal Inspectors General, OMB will try to accommodate specific requests for lead cognizant agencies taking into account ongoing relationships and availability of Federal staff.

Harold I. Steinberg,

Associate Director for Management, Office of Management and Budget.

[FR Doc. 83-9134 Filed 4-7-83; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meetings

Pursuant to the provisons of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, May 5, 1983
Thursday, May 12, 1983
Thursday, May 19, 1983
Thursday, May 26, 1983

These meetings will convene at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additonal information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street NW, Washington, D.C. 20415; (202-632-9710).

Dated: April 4, 1983.

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 83-9240 Filed 4-7-83; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13135; 812-5432]

Merrill Lynch Basic Value Fund, Inc., et al.; Filing of Application

April 4, 1983.

In the matter of: Merrill Lynch Basic Value Fund, Inc., Merrill Lynch Special Value Fund, Inc., Merrill Lynch Capital Fund, inc., Merrill Lynch Pacific Fund, Inc., and Merrill Lynch Funds Distributor, Inc., 633 Third Avenue, New York, New York 10017 and, Merrill Lynch, Pierce, Fenner & Smith, Incorporated, One Liberty Plaza, 165 Broadway, New York, New York 10080, (812-5432); Notice of filing of an application for an order pursuant to section 6(c) of the Act for exemptions from Section 22(d) of the Act and from Rule 22c-1 thereof.

Notice is hereby given that Merrill Lynch Basic Value Fund, Inc., Merrill Lynch Capital Fund, Inc., Merrill Lynch Special Value Fund, Inc., and Merrill Lynch Pacific Fund, Inc., each of which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management company (such funds, together with any existing open-end, diversified investment company and any open-end, diversified investment company organized subsequent to the date hereof for which Merrill Lynch Funds Distributor, Inc. acts as principal underwriter, are herein referred to as the "Funds" or, individually, as the "Fund"), Merrill Lynch Funds Distributor, Inc. (the "Distributor"), and Merrill Lynch, Pierce, Fenner & Smith Incorporated (the "Dealer"), collectively referred to with the Distributor and the Funds as the "Applicants", filed an application on January 14, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, granting an exemption from Section 22(d) of the Act and Rule 22c-1 promulgated under Section 22(d) of the Act to permit the purchase and redemption of shares of the Funds through the Sharebuilder Plan offered to investors by the Dealer in the manner and subject to the conditions stated therein. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemptions apply.

Applicants state that Merrill Lynch Capital Fund, Inc. seeks the highest total investment return consistent with prudent risk through a fully managed investment policy utilizing equity, debt, and convertible securities. Merrill Lynch Special Value Fund, Inc. seeks long-term growth of capital by investing in a diversified portfolio of securities, primarily common stocks, of relatively small companies that management believes have special investment value and emerging growth companies regardless of size. Merrill Lynch Pacific Fund, Inc. seeks long-term capital appreciation primarily through investment in equities of corporations domiciled in Far Eastern or Western Pacific countries, including Japan, Australia, Hong Kong, Singapore, and the Philippines. Merrill Lynch Basic Value Fund, Inc. seeks capital appreciation and, secondarily, income by investing in securities, primarily equities, that management believes are undervalued and therefore represent basic investment value. The Applicants represent that the Distributor is a

wholly-owned subsidiary of Merrill Lynch Asset Management, Inc., which is a wholly-owned subsidiary of Merrill Lynch & Co., Inc. The Distributor serves as the principal underwriter of each of the Funds and for certain other registered investment companies. Applicants state that the Dealer, a wholly-owned subsidiary of Merrill Lynch & Co., Inc., is registered as a broker-dealer under the Securities Exchange Act of 1934.

The application states that the Distributor and the Dealer have entered into selected dealer agreements with respect to shares of each of the Funds. Investors may purchase shares of any of the Funds directly from the Distributor, the Dealer, or other securities dealers with whom the Distributor has executed dealer agreements, at a public offering price based on net asset value per share plus a sales charge. Shares of the Funds are sold with a 6.5% sales charge, subject to reduction for quantity purchases in amounts equal to or in excess of $10,000. Investors may obtain reduced sales charges for quantity purchases pursuant to a right of accumulation or a letter of intention. Applicants further represent that each of the Funds, as well as certain other open-end, investment companies for which the Distributor acts as principal underwriter, offers shareholders of each of the participating funds an exchange privilege. The basis for such exchange is the relative net asset value per share plus an amount equal to the difference, if any, between the sales charge previously paid on the outstanding shares to be exchanged and the sales charge payable at the time of the exchange for the new shares.

The application states that the Dealer offers to investors a service entitled the Sharebuilder Plan ("Sharebuilder"). Through Sharebuilder, investors may trade in full and fractional shares of certain publicly traded securities approved by the Dealer for purchase and sale through Sharebuilder at discounts of up to 40% off the Dealer's regular commission rates. Sharebuilder commissions range from 6% on transactions up to $300 to a rate of $27.50 plus 1% on transactions over $2500. The minimum initial investment through Sharebuilder is $100 and the minimum subsequent investment is $50. The maximum investment per transaction is $5000. Applicants state that purchase orders may be initiated through Sharebuilder by mail or through the Dealer's wire system. Mail orders received at the Sharebuilder offices prior to 1:00 P.M. New York time and wire orders placed with a branch office of the Dealer prior to 6:30 P.M. New York time on any business day are aggregated, by security, overnight and the aggregated order is executed at the opening price on the applicable exchange or maket on the next business day. Participants in Sharebuilder have the right to vote full shares held in their account. They may also maintain a regular brokerage account with the Dealer and may transfer securities held in their Sharebuilder account to their regular brokerage account. Unlike purchase orders effected through a regular brokerage account, all purchase orders effected through Sharebuilder must be accompanied by payment. Moreover, Applicants represent that purchase and sale orders effected through Sharebuilder are not executed until the day following receipt of the order by Sharebuilder and, under some circumstances, until the morning of the second business day following such receipt.

Applicants propose to include shares of each of the Funds in the list of securities available for trading through Sharebuilder. The application states that orders for the purchase and redemption of such shares will be processed through Sharebuilder in the same manner as orders for other securities already traded through Sharebuilder. Orders received prior to the designated cut-off times for mail and wire orders will be aggregated overnight and the aggregate order delivered to the appropriate transfer agent of each Fund on the morning of the next business day. Orders received by Sharebuilder after the applicable cut-off times will be processed with the next business day's orders and delivered to the appropriate transfer agent on the morning of the second business day following receipt by Sharebuilder. Purchase and redemption orders will be executed at net asset value next determined following receipt of the order by the transfer agent. Purchase orders will incur a sales charge calculated in accordance with the Sharebuilder commission schedule previously described. Redemption orders effected through Sharebuilder will not incur a commission charge. Applicants represent that distributions declared by a Fund will be automatically reinvested in the Fund by Sharebuilder without payment of a commission, although Sharebuilder customers may elect not to participate in the automatic dividend reinvestment programs at any time by delivering written notice of such election to Sharebuilder. The application states that the Dealer will establish one omnibus Sharebuilder account with each of the Funds, and all purchase and redemption orders delivered to Sharebuilder will be executed through the omnibus accounts. Sub-accounting, confirmations of trade, and quarterly account statements will be provided by the Dealer, who will also furnish each purchaser of Fund shares with that Fund's current prospectus. The Dealer, Applicants represent, will vote shares held in an omnibus account in accordance with the instructions of the beneficial owners of such shares. Certain ancillary services offered by the Funds will not be available to Sharebuilder customers and only a limited exchange privilege will be offered to such customers. Sharebuilder customers who maintain a regular Merrill Lynch brokerage account will not be permitted to transfer Fund shares purchased through Sharebuilder to their regular brokerage account.

Applicants submit that an order exempting their proposal from Section 22(d) will promote greater flexibility in the sale of mutual fund shares and that such flexibility benefits the investing public without unduly disrupting the current distribution system of the Fund's shares. Under Applicants' proposal, Sharebuilder customers who do not maintain a regular brokerage account with Merrill Lynch will not involuntarily compensate either a dealer or the Distributor for a sales effort they do not receive. Applicants assert that their proposal may also benefit Sharebuilder customers who do maintain Merrill Lynch brokerage accounts, because such customers who do not desire the services of a dealer following their initial investment need not pay a dealer for a sales effort they do not receive. Applicants assert that the offer of Fund shares through Sharebuilder will enhance awareness of the advantages of mutual funds among those investors who can most benefit from professional management and diversification but are the least likely targets of solicitation by mutual fund dealers. Through Sharebuilder, such shares can be offered to the cost conscious, small investor at commission rates competitive with commissions on purchases of non-mutual fund securities. Moreover, Applicants assert that investors will not be assessed the standard sales load for investment guidance they do not receive.

Applicants maintain that their proposal not only reduces sales-related expenses in the distribution of Fund shares, but will also decrease order processing costs. Because the Funds compensate their respective transfer agents on a per account basis, the

establishment of one omnibus account per Fund will reduce the transfer agency expense which the Funds would incur if Sharebuilder customers established individual investment accounts with the Funds. Expenses associated with sub-accounting services, confirmations of transactions, and summary quarterly account statements will be borne by the Dealer at no additional charge to either the Funds or the distributor. Applicants conclude that the reduction in transaction costs incurred by investors purchasing Fund shares through Sharebuilder reflects, in large part, the economies in distribution and selling effort which the Distributor and the Dealer will realize under Applicant's proposal.

Applicants maintain that they must also be exempt, to the extent they propose, from Rule 22c–1 to effect their proposal. Applicants state that the Sharebuilder processing system is based on a computer system which employs a "bunched order" format. The operational constraints of this system render impracticable the collation and aggregation of information necessary to effect a trade in shares of the Funds on the date of receipt of an order. To comply with Rule 22c–1, assert the Applicants, would require replacement of the entire Sharebuilder "bunched order" system with an "on-line" system providing instant access to computerized information. Applicants contend that such replacement would be prohibitively expensive and would effectively preclude the offer of Fund shares through Sharebuilder. Applicants submit that an exemption from Rule 22c–1 is appropriate because economies in distribution and account servicing costs realized by Applicants, and indirectly by investors, in implementing this proposal are possible only because orders for Fund shares can easily be incorporated into the computerized processing system currently employed by the Sharebuilder program. While that processing system could result in a delay of execution of orders of up to two business days following receipt by Sharebuilder, Applicants content that such delay is not unduly prejudicial to the interests of shareholders in relation to the benefits offered by Applicants' proposal. Moreover, Applicants assert that the cost of instituting a processing system capable of providing Sharebuilder customers with next computed price after receipt by Sharebuilder would be so burdensome as to render their proposal uneconomical. Applicants also assert that Rule 22c–1 will not be compromised by their proposal because existing Fund shareholders will not suffer dilution of their shares' value, and potential investors will not gain an opportunity to engage in speculative trading. The price Sharebuilder customers receive on execution of a purchase or redemption order will continue to be determined on a forward pricing basis.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act, or any rule or regulation thereunder, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 29, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the applications will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9298 Filed 4-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19647; File No. SR-MSRB-83-2]

Filing of Proposed Rule Change by Municipal Securities Rulemaking Board

April 4, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), and Rule 19b–4 thereunder, notice is hereby given that on March 8, 1983, the Municipal Securities Rulemaking Board ("MSRB") filed the proposed rule change described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends MSRB Rule G–15(a)(vi) to require inclusion of the CUSIP number, if one has been assigned to that issue, on the customer confirmation. Noting that disclosure of the CUSIP number has been required on inter-dealer confirmations since January 1979, the Board believes that inclusion of the CUSIP number on every customer confirmation will provide a significant benefit to institutional and individual customers, as well as to municipal securities brokers and dealers. The MSRB believes that the rule change will promote more accurate identification of and more efficient transfer of municipal securities held by customers. The rule change is proposed pursuant to Section 15B(b)(2)(c) of the Act.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–MSRB–83–2.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the MSRB's office.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

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[1] 17 CFR 200.30–3(a)(12).

[Release No. 19648; File No. SR-NASD-83-3]

Filing and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc.

April 4, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 8, 1983, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change clarifies the filing requirements of the NASD's Corporate Financing Interpretation for shelf offerings. Previously, shelf-registrations filed with the Commission on Form S-16 which did not involve an underwriting agreement were exempt from the requirement of the Corporate Financing Interpretation that public offerings, with a few exceptions, be filed with the NASD for a review of the underwriting terms and arrangements. Because shelf-registrations under Form S-16 were expected to be effected as a series of brokerage transactions, with compensation in the form of normal brokerage commissions determined under very competitive circumstances, the NASD believed that advance review of these transactions was unnecessary. With the replacement of Form S-16 by Form S-3, the NASD has determined that the rationale behind the filing exemption for shelf-registrations on Form S-16 is applicable to shelf-registrations by issuers qualified to use Form S-3 due to the presence of adequate market forces in such offerings to ensure the fairness and reasonableness of the underwriting terms and arrangementts. Therefore, the NASD has decided that shelf offerings made pursuant to Rule 415 under the Securities Act of 1933 and registered on a Form S-3 registration statement are not subject to the filing requirements of the NASD's Corporate Financing Interpretation. The NASD notes, however, that such offerings will remain subject to the substantive requirements of the Corporate Financing Interpretation and, where applicable, Schedule E of the NASD's By-Laws.

The foregoing rule change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views, and arguments concerning the submission within 21 days from the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Reference should be made to File No. SR-NASD-83-3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant too delegated authority.[1]

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9383 Filed 4-7-83; 8:45]

BILLING CODE 8010-01-M

[Release No. 19649; File No. SR-NSCC-83-3]

Filing of Proposed Rule Change by National Securities Clearing Corporation

April 4, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 24, 1983, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposal amends a number of NSCC's rules to comply with certain Division of Market Regulation Standards for the Registration of Clearing Agencies that were adopted under Section 17A(b)(3)(A)-(I) of the Act.[1] The amendments include (i) granting certain hearing rights to participants adversely affected by NSCC's actions; (ii) providing specified financial reports to participants; (iii) notifying other clearing agencies when NSCC files proposed rule changes with the Commission; (iv) modifying participants' rights to receive dividends; and (v) authorizing NSCC's board of directors to interpret NSCC's rules. In its filing, NSCC states its belief that the proposed rule change is consistent with the requirements of Section 17A(b) of the Act because the proposal fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and provides enhanced hearing rights to participants disciplined, sanctioned, or suspended by NSCC.

To assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views, and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-NSCC-83-3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

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[1] 17 CFR § 200.30-3(a)(12).

[1] Securities Exchanges Act Release No. 16900 (May 23, 1980), 45 FR 41920 (June 23, 1980).

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9301 Filed 4-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22901; 70-6850]

Northeast Utilities; Issue and Sell Stock

April 4, 1983.

In the Matter of: NORTHEAST UTILITIES, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089; 70-6850; Notice of proposal to issue and sell common stock pursuant to a Tax Reduction Act Employees Stock Ownership Plan.

Northeast Utilities ("Northeast"), a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6, and 7 of the Public Utility Holding Company Act of 1935 and Rule 50(a)(5) thereunder.

Northeast proposes to issue and sell on or before December 31, 1984 up to 2,500,000 additional shares of its common stock, $5 par value, pursuant to a Tax Reduction Act Employee Stock Ownership Plan ("TRAESOP"). By order dated May 19, 1978 (HCAR No. 20552), Northeast was authorized, through its subsidiary, Northeast Utilities Service Company ("NUSCO"), to establish the TRAESOP for the benefit of eligible employees of Northeast's subsidiaries.

The purpose of the TRAESOP, which was created by a plan ("Plan") and a trust ("Trust") is to provide eligible employees of Northeast's subsidiaries with the opportunity to own Northeast's common shares, and for Northeast to fund the employees' ownership through additional investment tax credits which are allowed to Northeast and affiliated companies pursuant to the Internal Revenue Code of 1954, as amended. The TRAESOP is funded in the first instance by contributions which Northeast and its subsidiaries may elect to make with respect to any plan year. In certain circumstances, the TRAESOP permits employees to elect to make voluntary cash contributions to the TRAESOP, which are matched by contributions from Northeast and its subsidiaries.

The Plan provides that Northeast may make its contributions to the TRAESOP, either through cash contributions or through the issuance of its authorized but unissued common shares. The Plan provides, however, that so long as the market price of the common shares is below the book value of those shares, the TRAESOP may not be funded through the issuance of authorized but unissued common shares but must be funded entirely through contribution of cash to the TRAESOP and the purchase by the trustee of the TRAESOP of common shares of Northeast on the open market. In addition, employees' voluntary cash contributions and the reinvestment of cash dividends on shares held by the Trust are subject to the same restrictions on their investment by the trustee. If the market price exceeds the book value of a common share at any time in 1983 when Northeast proposes to fund the TRAESOP or the trustee of the Trust is required to reinvest cash dividends on shares held in the Trust as Northeast expects it will, Northeast wants to be in a position, if it so elects, to make its contributions in common shares rather than cash and to instruct the trustee of the Trust to invest such dividends directly in authorized but unissued shares of Northeast rather than to make purchases in the open market.

At its meeting on February 22, 1983, Northeast Board of Trustees authorized, subject to the approval of the Commission and to compliance with the market-to-book value restriction of the TRAESOP, the issuance of up to 1,200,000 authorized but unissued shares of the Company on or before December 31, 1983, for issuance to the Trustee of the Trust (i) as all or part of the employer contribution to the TRAESOP made in 1983 with respect to the 1982 plan year and (ii) for purchase by the Trustee with the proceeds of any cash contributions from Northeast and its subsidiaries, and with the proceeds of any cash dividends received by the Trustee on any common shares held in the Trust. At the same meeting, the Board of Trustees established guidelines, as permitted by the Plan, directing NUSCO to make all employer contributions in 1983 in common shares of Northeast rather than in cash, if at the time any such contribution is to be made the market value per share is equal to or exceeds the book value per share and the approval of the Commission has been received. Similarly, at such meeting, the Board of Trustees adopted guidelines, pursuant to the Plan, directing the trustee to invest any cash contributions received from Northeast and its subsidiaries, and to reinvest any cash dividends received, in common shares purchased from Northeast rather than on the open market if at any time when such investment is to be made the market-to-book value restriction is satisfied.

Issuing shares directly to the Trust in lieu of making employer cash contributions will preserve approximately $8,200,000 of cash in 1983, on the assumptions that (A) Northeast and its subsidiaries will elect to make the maximum amount of employer contributions permissible under the Plan, and (B) that the Maximum basic contribution (i.e., 1% of the qualifying investment in new equipment) will be approximately $5,600,000 in 1983, and (C) that employee participation in the voluntary cash contribution portion of the TRAESOP will be such that the employer's additional, matching contribution will be at the maximum allowable levels. If cash dividends continue at the present rate of $1.38 per share per year, additional proceeds of approximately $900,000 would be realized from issuance of shares upon reinvestment of cash dividends (including dividends on the 199,937 shares held by the trustee as of December 31, 1982). Such proceeds, and the amounts saved by the Northeast's issuance of authorized but unissued shares to the Trust, are expected to be used, together with other funds available to Northeast, to assist Northeast (i) to make open account advances and capital contributions to its subsidiaries in amounts of up to $100 million in the aggregate, primarily to The Connecticut Light and Power Company (up to $70 million) and Western Massachusetts Electric Company (up to $40 million), (ii) to make payments of principal and interest on a loan agreement with an institutional investor, under which an installment of $10 million in principal, plus accrued interest, is due on June 1, 1983, and (iii) to reduce short-term borrowings incurred by Northeast from time to time for the principal purpose of making capital contributions and open account advances to its subsidiaries. These funds will be used by the subsidiaries primarily to repay a portion of their short-term borrowings incurred for the purpose of financing in part their respective construction programs and for general working capital purposes.

Northeast expects that it may require any unused balance of the 2,500,000 shares for issuance in 1984 with respect to the 1983 TRAESOP plan year, although the actual amount cannot be known at this time. In that event, it is expected that the Board of Trustees would adopt resolutions and guidelines comparable to those adopted by it for the 1982 plan year.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April

28, 1983 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9089 Filed 4-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13136; 811-1502]

Schuster Fund, Inc.; Filing of Application

April 4, 1983.

In the matter of: Schuster Fund, Inc., 342 Madison Avenue, New York, New York 10173, (811-1502); notice of filing of application pursuant to section 8(f) of the Act for order declaring that company has ceased to be an investment company.

Notice is hereby given that Schuster Fund, Inc., registered under the Investment Company Act of 1940 ("Act"), as an open-end, non-diversified management investment company, filed an application on February 10, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act and Rule 8f-1 thereunder, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested person are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that it registered under the Act and filed a registration statement pursuant to Section 8(b) of the Act on or about May 16, 1967. On or about the same day, Applicant states, it also filed a registration statement on Form S-5 pursuant to the Securities Act of 1933 ("Securities Act"), thereby registering 200,000 shares of its common stock, $1.00 par value. Applicant further states that such registration statement became effective on September 20, 1967, and that on that date Applicant's initial public offering began.

Applicant further represents, however, that its legal existence has terminated in accordance with the Business Corporation Law of the State of Maryland. Applicant's state of incorporation. It is stated further that Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are securityholders of Applicant, and that no such entity has been created.

It is further represented that on October 26, 1982, pursuant to a Plan of Reorganization and Agreement of Merger dated October 4, 1982 ("Merger Agreement"), authorized by a favorable vote of 397,257 shares (55.6%) of Applicant's shares, Applicant merged with and into The Partners Fund, Inc. ("Partners"), a registered, open-end, diversified management investment company. Applicant states that on October 26, 1982, immediately preceding the closing for the Merger Agreement, there were 701,564.109 shares of Applicant's common stock outstanding, representing an aggregate net asset value of $11,137,365.02, and a net asset value per share of $15.88. Pursuant to the Merger Agreement, it is stated, Applicant's shares of common stock were converted into shares of Partners' common stock on the basis of 1.149785 shares of Partners for each share of Applicant. Applicant states further that a total of 806,647.716 shares of Partners, representing an aggregate net asset value of $11,139,805, were issued to Applicant's shareholders in accordance with the Merger Agreement. It is stated that no brokerage commissions were paid in connection with the merger of Applicant with Partners. It is also stated that Articles of Merger pertaining to the transaction were filed with the Department of State of the State of Maryland on October 26, 1982, becoming effective as of said date. Applicant states, in addition, that it has no assets or outstanding debts or liabilities and that there are no securityholders of Applicant to whom distribution in complete liquidation of their interests has not been made. Lastly, Applicant represents that it is not now engaged, and does not propose to engage, in any business activity other than that necessary to the winding-up of its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall terminate.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 29, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9090 Filed 4-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13091; 812-5446]

Connecticut Mutual Life Insurance Co., et al.; Filing of Application

Correction

In FR Doc. 83-7170 beginning on page 11541 in the issue of Friday, March 18, 1983, make the following corrections:

(1) On page 11542, first column, the second complete paragraph, words were omitted from the second sentence. The sentence should have read as follows:

"* * * These charges range from 1.022% on an annual basis in the case of the qualified portion of Account E to 1.4965% on an annual basis in the case of Accounts A & B." * * *"

(2) On page 11543, third column, twelve lines from the bottom of the page, "April 4, 1893" should have read "April 4, 1983".

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 69
Friday, April 8, 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

COMMISSION ON CIVIL RIGHTS

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

DATE AND TIME: Monday, April 11, 1983; 11 a.m.-12 noon; 1:30 p.m.-4:30 p.m. Tuesday, April 12, 1983, 9:30 a.m.

STATUS OF MEETING: Open to public.

MATTERS TO BE CONSIDERED: Monday, April 11.

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Discussion with Arnold S. Torres, National Executive Director, League of United Latin American Citizens (LULAC).
IV. Review of the Reasonable Accommodation Monograph, *Accommodating the Spectrum of Individual Abilities.*
V. State Advisory Committee Recharters:
A. Georgia;
B. Nebraska;
C. South Dakota;
D. Wisconsin.
VI. State Advisory Committee Interim Appointments:
A. Maine;
B. New Mexico.
VII. *Colorado Advisory Committee Report Entitled Police Relations in Small Colorado Communities.*
VIII. Massachusetts Advisory Committee Report Entitled *Minority Teachers in an Era of Retrenchment: Early Lessons in an Ongoing Dilemma.*
IX. Missouri Advisory Committee Report Entitled *State Contract Compliance Efforts in Missouri.*
X. New York Advisory Committee Report Entitled *Bigotry and Violence in New York State.*
XI. Wisconsin Advisory Committee Report Entitled *Vocational Education: Where are the Minorities and Women?*
XII. Civil Rights Developments in the Western Region.
XIII. Staff Director's Report:
A. Status of Funds;
B. Personnel Report;
C. Office Directors' Reports.

Tuesday, April 12:

Briefing on Immigration.

PERSON TO CONTACT FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications Division (202) 254-6697.

[S-484-83 Filed 4-6-83; 9:48 am]

BILLING CODE 6335-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 am., Friday, April 22, 1983.

PLACE: 2033 K Street NW., Washington, D.C. eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-487-83 Filed 4-6-83; 9:58 am]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, April 15, 1983.

PLACE: 2033 K Street NW., Washington, D.C., Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-486-83 Filed 4-6-83; 9:58 am]

BILLING CODE 6351-01-M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 am., Tuesday, April 26, 1983.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Third Quarter Objectives
National Futures Association Briefing
CBI 5000 Oz. Silver
Rule Enforcement Reviews (Closed)

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6374.

[S-485-83 Filed 4-6-83; 9:58 am]

BILLING CODE 6351-01-M

5

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, April 13, 1983.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Wood and Coal Burning Stoves FR Document Labeling Rule:*
The Commission will consider the **Federal Register** document requiring labeling for wood and coal burning appliances.
2. *Kerosene Heaters:*
The staff will brief the Commission on the progress of the ongoing investigation into possible fire hazards of kerosene heaters.
3. *Benzidine Dyes:*
The staff will brief the Commission on the benzidine congener dye project.

(For a recorded message containing the latest agenda information, call 301-492-5709).

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207; 301-492-6800.

[S-494-83 Filed 4-6-83; 2:39 pm]

BILLING CODE 6355-01-M

6

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Thursday, April 14, 1983.

LOCATION: Room 456, Westwood Towers Building, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *National Toxicological Program Second Annual Report:*
The staff will brief the Commission on issues related to the second annual report of the National Toxicological Program.

STATUS: Closed to the public.

2. *Compliance Status Report:*
The staff will brief the Commission on the status of various compliance activities.

(For a recorded message containing the latest agenda information, call 301–492–5709).

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207; 301–492–6300.

[S-493-83 Filed 4-6-83; 2:39 pm]
BILLING CODE 6355-01-M

7

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, April 12, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room 200, second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. A Report on Commission Operations.
3. Freedom of Information Act Appeal No. 83–1–FOIA–7–BA, concerning a request for deliberative memoranda from a Title VII charge file.
4. Freedom of Information Act Appeal No. 83–1–FOIA–9–DE, concerning a request for documents pertaining to Merit Pay classification of certain employees.
5. Freedom of Information Act Appeal No. 83–01–006–FOIA–IN, concerning a request for access to documents in two closed Title VII case files.
6. Freedom of Information Act Appeal No. 83–1–FOIA–1–PX, concerning a request for documents in a charge file.
7. Freedom of Information Act Appeal No. 83–1–FOIA–1–LA, concerning a request for material pertaining to a Commissioner's charge.
8. Proposed Interpretative Memorandum on Kremer v. Chemical Construction Corporation.
9. A proposed contract in connection with a court case.
10. Proposed Regulations Implementing Section 4(g) of the Age Discrimination in Employment Act of 1967, as amended (TEFRA).

Closed:

1. Litigation Authorization; General Counsel Recommendations.
2. Briefings on Withdrawal of Certain Charges.
3. OFCCP's Proposed Final Rules.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal Register, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission (202) 634–6748.

This Notice Issued April 5, 1983.

[S-488-83 Filed 4-6-83; 11:29 am]
BILLING CODE 6750-06-M

8

FEDERAL MARITIME COMMISSIOIN

TIME AND DATE: 9 a.m., April 13, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public.

1. Agreement No. 5600–44: Modification of the Philippines North America Conference Agreement to amend procedures for exercise of independent rate actions.

Portions closed to the public:

1. Docket No. 80–52: Pooling and Space Chartering Agreement in the Pacific Far East Trades—Compliance with Commission Order—Objection of Lykes Bros. Steamship Co.
2. Docket No. 82–58: Actions to Adjust or Meet Conditions Unfavorable to Shipping in the United States/Venezuela Trade—Review of status of proceeding.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-495-83 Filed 4-6-83; 2:42 pm]
BILLING CODE 6730-01-M

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

April 5, 1983.

TIME AND DATE: 11 a.m., Tuesday, April 5, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Closed (Pursuant to 5 U.S.C. 552(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Jones & Laughlin Steel Corporation, Docket No. PENN 81–9–R.

It was determined by a majority vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653–5632.

[S-491-83 Filed 4-6-83; 2:42 pm]
BILLING CODE 6735-01-M

10

INTER-AMERICAN FOUNDATION

TIME AND DATE:

6–9 p.m., April 18, 1983;
9 a.m.–12 p.m., April 19, 1983.

PLACE: 1515 Wilson Boulevard, fifth floor, Rosslyn, Virginia 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED: *April 18, 1983:*

1. Chairman's Report;
2. President's Report.

April 19, 1983:

3. Minutes of the January 17–18, 1983 Meeting;
4. Report of the Audit Committee;
5. Election of new Advisory Council members;
6. The Foundation in Brazil.

CONTACT PERSON FOR MORE INFORMATION: Steve Abrams (703) 841–3812.

[S-492-83 Filed 4-6-83; 2:42 pm]
BILLING CODE 7025-01-M

11

INTERNATIONAL TRADE COMMISSION

International Trade Commission

[USITC SE–83–16A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 14468 April 4, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Wednesday, April 13, 1983.

CHANGES IN THE MEETING: Additional item added to the agenda as follows:

6. Investigation 337–TA–132 [Certain Hand-Operated, Gas-Operated Welding, Cutting and Heating Equipment and Component Parts Thereof]—briefing and vote on review of initial determination denying temporary relief.

In conformity with 19 CFR 201.37(b), Commissioners Eckes, Stern, and Haggart determined by unanimous consent that Commission business requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the addition to the agenda was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-496-83 Filed 4-6-83; 3:02 pm]
BILLING CODE 7020-02-M

12

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 12888, Monday, March 28, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE: 1 p.m., March 31, 1983.

PREVIOUSLY ANNOUNCED PLACE: Northwest Power Planning Council Central Office, 700 S.W. Taylor, Suite 200, Portland, Oregon.

CHANGES IN THE MEETING: The meeting time and date have been changed to April 7, 1983, 8 a.m. to 9 a.m.

MATTERS TO BE CONSIDERED:

- Briefing on Water Budget Implementation
- Staff Briefing on Condit Dam
- Briefing on Results of Recent Pacific Fishery Management Council Meetings

CONTACT PERSON FOR MORE INFORMATION: Ms. Torian Donohue, (503) 222–5161.

Edward Sheets,

Executive Director.

[S-490-83 Filed 4-6-83; 1:11 pm]

BILLING CODE 0000-00-M

13

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 12633, Friday, March 25, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE: 9 a.m., April 6–7, 1983.

PREVIOUSLY ANNOUNCED PLACE: Northwest Power Planning Council, 700 S.W. Taylor, Suite 200, Portland, Oregon.

CHANGES IN THE MEETING: In a unanimous vote at its open meeting March 31, 1983, the Council decided to close a portion of its meeting previously announced for April 6 and 7, 1983.

MATTER TO BE CONSIDERED: Portion closed to the public:

Council discussion of possible Council participation in Bonneville Power Administration rate proceedings. This portion of the meeting has been closed under the exemption for discussions that specifically concern an agency's participation in a proceeding, under section 552b(o)(10) of Title 5, United States Code.

CONTACT PERSON FOR MORE INFORMATION: Ms. Bess Wong, (503) 222–5161.

Edward Sheets,

Executive Director.

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April 8, 1983

Part II

Environmental Protection Agency

Electrical and Electronic Components Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 469

[WH-FRL 2327-8]

Electrical and Electronic Components Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation limits the discharge of pollutants into navigable waters and publicly owned treatment works (POTWs) from semiconductor and electronic crystal manufacturing facilities. The Clean Water Act and a Settlement Agreement require EPA to issue this regulation.

The purpose of this regulation is to provide effluent limitations for "best practicable technology" (BPT) "best available technology" (BAT), "best conventional technology" (BCT) and "new source performance standards" (NSPS) for direct dischargers and pretreatment standards for new and existing indirect dischargers.

DATES: In accordance with 40 CFR 100.01 (45 FR 26048), this regulation shall be considered issued for purposes of judicial review at 1:00 p.m. Eastern time on April 22, 1983. These regulations shall become effective May 19, 1983.

The compliance date for the BAT regulations for both subcategories is as soon as possible, but no later than July 1, 1984 with one exception. The BAT compliance date for the nonconventional pollutant fluoride for the semiconductor subcategory is as soon as possible but no later than thirty-one months after the publication date. The compliance date for New Source Performance Standards (NSPS) and Pretreatment Standards for New Sources (PSNS) for both subcategories is the date the new source begins operations. The compliance date for Pretreatment Standards for Existing Sources (PSES) for arsenic regulated in the electronic crystal subcategory is thirty-one months after the publication date. For total toxic organics (TTO) the PSES compliance date for both subcategories is July 1, 1984.

Under Section 509(b)(1) of the Clean Water Act judicial review of this regulation can be obtained only by filing a petition for review in the United States Court of Appeals within 90 days after these regulations are considered issued for purposes of judicial review. Under Section 509(b)(2) of the Clean Water Act, the requirements of the regulations may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: Technical information may be obtained by writing to Mr. David Pepson, Effluent Guidelines Division (WH-552), EPA, 401 M Street, S.W., Washington, D.C. 20460, or through calling (202) 382-7157. Copies of the technical documents may be obtained from the National Technical Information Service, Springfield, Virginia 22161 (703) 487-4600. Economic information may be obtained by writing to Ms. Renee Rico, Office of Analysis and Evaluation (WH-586), 401 M Street, S.W., Washington, D.C. 20460 or by calling (202) 382-5386. The economic analysis may also be obtained from the National Technical Information Service.

The record will be available for public review in approximately two weeks from publication in EPA's Public Information Reference Unit, Room 2004 (Rear) (EPA Library), 401 M Street, S.W., Washington, D.C. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: David J. Pepson at (202) 382-7157.

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I. Legal Authority

This regulation is being promulgated under the authority of Sections 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 *et seq.*, as amended by the Clean Water Act of 1977, Pub. L. 95-217) also called the "Act". This regulation is also being promulgated in response to the Settlement Agreement in *Natural Resources Defense Council, Inc.* v. *Train*, 8 ERC 2120 (D.D.C. 1976), modified, 12 ERC 1833 (D.D.C. 1979), modified by Order dated October 26, 1982.

II. Scope of This Rulemaking

The purpose of this rulemaking is to establish effluent limitations and standards for existing and new semiconductor and electronic crystal manufacturing facilities. This regulation applies to wastewater generated from all process operations associated with the above industries except sputtering, electroplating, and vapor plating. The wastewater generated from these unit operations is subject to the final electroplating and proposed metal finishing effluent limitations and standards.

There are approximately 257 semiconductor plants in the United States; 77 of these plants are direct dischargers while the remaining 180 plants discharge to POTWs. The electronic crystal industry is comprised of 70 plants, 6 of which are direct dischargers and 64 of which are indirect dischargers.

EPA's 1973 to 1976 round of rulemaking emphasized the achievement of best practicable technology currently available (BPT) by July 1, 1977. In general, BPT represents the average of the best existing performances of well-known technologies for control of familiar (i.e., "classical") pollutants. This effort did not include rulemaking for the electrical and electronic components category.

The current round of rulemaking aims for the achievement by July 1, 1984, of the best available technology economically achievable (BAT) that will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants. At a minimum, BAT represents the performance of the best available technology economically achievable in any industrial category or subcategory. Moreover, as a result of the Clean Water Act of 1977, the emphasis of EPA's

program has shifted from "classical" pollutants to the control of toxic pollutants.

EPA is promulgating limitations based on BPT, BAT and BCT, new source performance standards (NSPS), pretreatment standards for existing sources (PSES), and pretreatment standards for new sources (PSNS).

III. Summary of Legal Background

A. The Clean Water Act and NRDC Settlement Agreement

The Federal Water Pollution Control Act Amendments of 1972 established a comprehensive program to "restore and maintain the chemical, physical and biological integrity of the Nation's waters" (Section 101(a)). To implement the Act, EPA was to issue effluent limitations, pretreatment standards, and new source performance standards for industrial dischargers.

The Act included a timetable for issuing these standards. However, EPA was unable to meet many of the deadlines and, as a result, in 1976, it was sued by several environmental groups. In settling this lawsuit, EPA and the plaintiffs executed a court-approved "Settlement Agreement." This Agreement required EPA to develop a program and adhere to a schedule in promulgating effluent limitations guidelines, pretreatment standards, and new source performance standards for 65 "priority" pollutants and classes of pollutants for 21 major industries. See *Natural Resources Defense Council Inc.* v. *Train*, 8 ERC 2120 (D.D.C. 1976), modified, 12 ERC 1833 (D.D.C. 1979), modified by Order dated October 26, 1982.

Many of the basic elements of this Settlement Agreement program were incorporated into the Clean Water Act of 1977 ("the Act"). Like the Settlement Agreement, the Act stressed control of the "priority" pollutants. In addition, to strengthen the toxic control program, section 304(e) of the Act authorizes the Administrator to prescribe "best management practices" (BMP) to prevent the release of toxic and hazardous pollutants from plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage associated with, or ancillary to, the manufacturing or treatment process.

B. General Criteria for Effluent Limitations

Under the Act, the EPA program is to set a number of different kinds of effluent limitations. These are discussed in detail in the preamble to the 1982 proposal and the technical development document supporting these regulations. The following is a brief summary:

1. Best Practicable Control Technology Currently Available (BPT). BPT limitations generally are based on the average of the best existing performance at plants of various sizes, ages, and unit processes within the industry or subcategory. In establishing BPT limitations, EPA considers the total cost of applying the technology in relation to the effluent reduction derived, the age of equipment and facilities involved, the process employed, the engineering aspects of the control technologies, process changes and non-water quality environmental impacts including energy requirements. The total cost of applying the technology is balanced against the effluent reduction.

2. Best Available Technology Economically Achievable (BAT). BAT limitations, in general, represent the best existing performance in the industrial subcategory or category. The Act establishes BAT as the principal national means of controlling the direct discharge of toxic and nonconventional pollutants to navigable waters. In arriving at BAT, the Agency considers the age of the equipment and facilities involved, the process employed, the engineering aspects of the control technologies, process changes, the cost of achieving such effluent reduction, and non-water quality environmental impacts. The Administrator retains considerable discretion in assigning the weight to be accorded these factors.

3. Best Conventional Pollutant Control Technology (BCT). The 1977 Amendments added section 301(b)(2)(E) to the Act establishing "best conventional pollutant control technology" (BCT) for discharges of conventional pollutants from existing industrial point sources. Conventional pollutants are those defined in section 304(a)(4) (biochemical oxygen demanding pollutants (BOD), total suspended solids (TSS), fecal coliform and pH, and any additional pollutants defined by the Administrator as "conventional," i.e., oil and grease. See 44 FR 44501; July 30, 1979.

BCT is not an additional limitation but replaces BAT for the control of conventional pollutants. In addition to other factors specified in section 304(b)(4)(B), the Act requires that BCT limitations be assessed in light of a two part "cost-reasonableness" test. *American Paper Institute* v. *EPA*, 660 F.2d 954 (4th Cir. 1981). The first test compares the cost for private industry to reduce its conventional pollutants with the cost to publicly owned treatment works (POTWs) for similar levels of reduction in their discharge of these pollutants. The second test examines the cost-effectiveness of additional industrial treatment beyond BPT. EPA must find that limitations are "reasonable" under both tests before establishing them as BCT. In no case may BCT be less stringent than BPT.

EPA published its methodology for carrying out the BCT analysis on August 29, 1979 (44 FR 50732). In the case mentioned above, the Court of Appeals ordered EPA to correct data errors underlying EPA's calculation of the first test, and to apply the second cost test. (EPA had argued that a second cost test was not required).

On October 29, 1982 the Agency proposed a revised BCT methodology. See 47 FR 49176. Although the Agency has not yet promulgated its revised BCT cost test methodology, we are promulgating BCT limitations as proposed for the semiconductor and electronic crystal industries. Application of the BCT cost test is not necessary for these industries for reasons presented in Section VII of this preamble.

4. New Source Performance Standards (NSPS). NSPS are based on the best available demonstrated technology. New plants have the opportunity to install the best and most efficient production processes and wastewater treatment technologies.

5. Pretreatment Standards for Existing Sources (PSES). PSES are designed to control the discharge of pollutants that pass through, interfere with, or are otherwise incompatible with the operation of a publicly owned treatment works (POTW). They must be achieved within three years of promulgation. The legislative history of the Act indicates that pretreatment standards are to be technology-based, analogous to the best available technology. EPA has generally determined that there is pass through of pollutants if the percent of pollutants removed by a well-operated POTW achieving secondary treatment is less than the percent removed by the BAT model treatment system. The general pretreatment regulations which serve as the framework for the categorical pretreatment regulations are found at 40 CFR Part 403 (43 FR 27736, June 26, 1978; 46 FR 9462 January 28, 1981).

6. Pretreatment Standards for New Sources (PSNS). Like PSES, PSNS are to control the discharge of pollutants to POTWs which pass through, interfere with, or are otherwise incompatible with the operation of the POTW. PSNS are to be issued at the same time as NSPS. New indirect dischargers, like new direct dischargers, have the opportunity to incorporate the best available

demonstrated technologies. The Agency considers the same factors in promulgating PSNS as it considers in promulgating NSPS.

C. Prior EPA Regulations

No regulations have ever been promulgated for the electrical and electronic components category. The Agency proposed regulations for Phase II of this category on March 9, 1983 (see 48 FR 10012).

IV. Methodology and Data Gathering Efforts

The methodology and data gathering efforts used in developing the proposed regulations were discussed in the preamble to the August, 1982 proposal. In summary, before proposal, the Agency conducted a data collection program at 20 semiconductor and electronic crystal plants. This program stressed the acquisition of data on the presence and treatability of the toxic pollutants. Analytical methods are discussed in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants* (U.S. EPA, April 1977). Based on the results of that program, EPA identified several distinct treatment technologies, including both end-of-pipe and in-plant technologies, that are or can be used to treat wastewaters from these industries.

For each of these technologies, the Agency compiled and analyzed historical and newly generated data on the performance of these technologies, considered the non-water quality impacts (including impacts on air quality, solid waste generation and energy requirements), and estimated the costs and economic impacts of applying it industrywide. Costs and economic impacts of the technology options considered are discussed in detail in *Economic Analysis of Final Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category—Phase I.* A more complete description of the Agency's study methodology, data gathering efforts, and analytical procedures supporting the regulation can be found in the *Development Document for Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category—Phase I.*

V. Industry Subcategorization

The Electrical and Electronic Components Point Source Category (E&EC) is derived from the Standard Industrial Classification (SIC) Major Group 36, Electrical and Electronic Machinery, Equipment and Supplies. Many of the industries listed under this SIC code were never evaluated as part of the E&EC category because EPA initially concluded that the wastewater discharges from these industries were primarily associated with the metal finishing category.

For industries included in the E&EC study, the Agency concluded that product type is an appropriate basis for subcategorization. Product type determines both the raw and process material requirements and the number and type of manufacturing processes used. Using product type as a basis, we established twenty-one (21) subcategories; seventeen (17) of these and one segment of another subcategory are excluded from regulation under Paragraph 8 of the NRDC Settlement Agreement. For two subcategories, electron tubes and luminescent coatings, we proposed regulations on March 9, 1983 (see 48 FR 10012). The remaining two subcategories, semiconductors and electronic crystals, are the subject of this final rule. The subcategories excluded under Paragraph 8 are discussed in Section XI of this notice.

The semiconductor subcategory is comprised of plants manufacturing solid state electrical devices which perform functions such as information processing and display, power handling, and interconversion between light energy and electrical energy. Semiconductors include light emitting diodes (LEDs), diodes and transistors, silicon based integrated circuits, and liquid crystal display (LCD) devices.

The electronic crystal subcategory is comprised of plants manufacturing crystals or crystalline material which are used in electronic devices. These crystals include quartz, ceramic, silicon, and gallium arsenide.

VI. Available Wastewater Control and Treatment Technology

A. Status of In-Place Technology

This section describes the status of in-place technology for the two subcategories to be regulated by this rulemaking, semiconductors and electronic crystals. These technologies cover the following pollutants of concern that were detected in EPA's sampling and analysis efforts: toxic organics, arsenic, fluoride, total suspended solids, and pH.

Wastewater treatment techniques currently used in the semiconductor and electronic crystal industries include both in-process and end-of-pipe waste treatment. In-plant process waste treatment is designed to remove pollutants from contaminated manufacturing process wastewater at some point in the manufacturing process. End-of-pipe treatment is wastewater treatment at the point of discharge.

In-process controls in widespread use in both subcategories include collection of spent solvents for resale or reuse and treatment of contract hauling of the concentrated fluoride waste stream. Contract hauling, in this instance, refers to the industry practice of contracting with a firm to collect and transport wastes for off-site disposal. A few plants in these subcategories practice recycle of the dilute acid rinse stream.

End-of-pipe controls consist primarily of neutralization which is practiced by all direct dischargers in both subcategories. One plant in the electronic crystal industry also uses end-of-pipe precipitation/clarification for control of arsenic and fluoride. Further, all six (6) direct dischargers in the electronic crystal subcategory have already installed end-of-pipe neutralization and precipitation/clarification for control of pH, TSS, and fluoride.

B. Control Treatment Options

EPA considered the following treatment and control options for wastewater discharges from facilities within the semiconductor and electronic crystals subcategories.

Option 1—Neutralization for pH control and solvent management for control of toxic organics. Solvent management is not a treatment system, but rather in-plant control of spent solvents either manually or mechanically through minor piping modifications. Effective solvent management includes well designed segregation controls or practices, collection of routine spills and leaks, and a rigorous employee training program. Since the spent solvents would not be discharged into the wastewater, toxic organic limitations based on this control would be equivalent to the maximum concentration of toxic organics found in the discharge as a result of process wastewater contamination. Process wastewater is the only other source of toxic organics for these subcategories.

Option 2—Option 1 plus end-of-pipe precipitation/clarification for treatment of arsenic, fluoride, and total suspended solids (TSS).

Option 3—Option 1 plus in-plant treatment (precipitation/clarification) of the concentrated fluoride stream.

Option 4—Option 2 plus recycle of the treated effluent stream for further reduction of fluoride.

Option 5—Option 2 plus filtration for reduction of fluoride, arsenic, and suspended solids.

Option 6—Option 2 plus carbon adsorption for further reduction of toxic organic concentrations.

VII. Summary of Final Regulations and Changes From Proposal

This section describes the technology bases and final effluent limitations for each subcategory and discusses the changes we have made in response to public comments.

A. Semiconductors

The pollutant parameters of concern that were detected in EPA's sampling and analysis efforts are pH, fluoride, and toxic organics.

1. BPT. The regulated pollutants are pH and toxic organics. EPA is promulgating BPT based on neutralization for pH control, and solvent management for control of toxic organics (Option 1). As in the proposed rule, toxic organics are being regulated as the total of all toxic organics found in the discharge at concentrations greater than 0.01 milligrams per liter. This limit is defined as total toxic organics (TTO) and the specific toxic organic compounds included in the total are listed in Appendix B. We have added four toxic organics to the proposed TTO list; these are carbon tetrachloride, 1,2 dichloroethane, 1,1,2 trichloroethane, and dichlorobromomethane. As with all other toxic organics included on the TTO list, these toxic organics were found in the effluent from plants in the semiconductor and electronic crystal subcategories at concentrations greater than 0.01 milligrams per liter. The addition of these toxic organics serves only to correct an inadvertent error at proposal and does not substantively affect either the final TTO limit or a plant's ability to achieve compliance with the TTO limit.

While we have not changed the proposed technology basis for BPT, we have changed the TTO limit from 0.47 mg/l to 1.37 mg/l. The revised TTO limit reflects a change in the methodology for deriving the TTO limit.

The methodology for determining the proposed TTO limit consisted of graphing all the effluent TTO data and then examining the graph to locate a point at which a distinct separation occurred in the magnitude of the TTO effluent concentrations. This break point was selected at the TTO effluent limit. The Agency concluded that the concentrations falling below the breakpoint reflected the solvent management practices of the best performing plants, whereas those above the breakpoint reflected poor practice of solvent management. The concentrations of TTO below the 0.47 mg/l breakpoint were attributed to process wastewater contamination.

Several commenters criticized this approach for establishing the TTO limit. These commenters argued that the extreme differences in the effluent TTO concentrations of the sampled plants result from varying degrees of process contamination, and not from the failure to practice proper solvent management. In response to this comment, the Agency revised its methodology for deriving the TTO limit. In contrast to the proposed derivation of the TTO limit, the revised metholodgy, described below, places greater emphasis on process wastewater TTO data.

Based on an examination of the available data and information, we identified the process operations which contribute toxic organics to the effluent via process wastewater contamination. To determine the TTO effluent contribution from each of these streams, we multiplied the measured TTO concentration by the ratio of the plant reported flow for that stream to the total plant effluent. The final TTO limit of 1.37 mg/l is derived from summing the TTO contribution from each of the process wastewater streams. In cases where we had several data points for a particular wastewater stream, we used the worst case TTO contribution in computing the TTO limit. This method of analyzing the TTO data ensures that the TTO limit accounts for all sources and amounts of toxic organics found in the effluent as a result of process wastewater contamination. Therefore, it is EPA's position that concentrations of TTO found in excess of the TTO limit result from dumping of spent solvent or chemical bath solutions that occurs as a result of poor solvent management or the failure to practice solvent management at all.

The Agency is not promulgating a 30 day average limitation for TTO. The daily maximum limitation for TTO is based on solvent management which, unlike most treatment options, does not entail pollution control equipment and is therefore not subject to significant performance variations.

By comparing the revised TTO limit to the effluent TTO concentration at the sampled plants, we estimate that 53 percent of the plants are already in compliance with the BPT TTO limitation. Accordingly, we find that the in-process controls which form the basis of BPT are widely practiced in this industry. EPA estimates that attainment of BPT will result in the removal of 80,000 kilograms per year of toxic organics at a total annual cost of 187 thousand dollars. No adverse economic impacts are expected. Thus, we conclude that the effluent reduction benefits justify the costs. For a further discussion of the derivation of the TTO limit, see Section XII of this notice and Section VII of the *Development Document for Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category—Phase I.*

Option 2 was not selected as the technology basis for BPT because, in the semiconductor subcategory, Option 3 can be substituted for and is also less expensive than Option 2. Fluoride in this industry is primarily generated from a particular process stream, hydrofluoric acid etching. Option 3 (in-plant treatment) treats the smaller volume, highly concentrated etching wastestream and eliminates the need for end-of-pipe treatment of all process wastewater (as in Option 2). Option 3 was not selected because it is more appropriately reserved for consideration under BAT. Options 4, 5, and 6 were not selected for the reasons provided under the BAT discussion.

2. BAT. For BAT, EPA is promulgating limitations based on solvent management and precipitation/clarification of the concentrated fluoride stream (Option 3). The regulated pollutants are toxic organics and fluoride. As discussed under BPT, toxic organics are being regulated as total toxic organics (TTO) and the TTO limit is being changed from 0.47 mg/l to 1.37 mg/l. The TTO limit is the only change from proposal.

Compliance with BAT will result in greater pollutant removal than BPT by reducing the amount of fluoride presently being dicharged by approximately 300,000 kilograms per year. The estimated compliance cost for BAT is $2.9 million annually.

Option 4 (Option 1 plus end-of-pipe precipitation/clarification followed by recycle of the treated effluent) was not selected because very few facilities have been able to solve serious operational problems associated with recycling. Therefore Option 4 is not adequately demonstrated in this industry to serve as the basis of national limitations. However, facilities located in areas which experience water shortages are encouraged to investigate this technology option. Option 5 (Option 1 plus end-of-pipe precipitation/clarification followed by filtration) was not selected because it would only achieve a three (3) percent increase in fluoride reduction.

Because our revised BAT limit for TTO is less stringent than the proposed limit, we again examined carbon adsorption (Option 6) to determine if this end-of-pipe treatment technology would now achieve greater toxic organic reduction than the BAT technology basis of in-plant control using solvent management. The estimated theoretical discharge of toxic organics after treatment using carbon adsorption would range from 0.7 mg/l to 1.7 mg/l depending on which and how many of the 30 regulated toxic organics were present in the wastewater discharge. Based on the theoretical discharge achievable using carbon adsorption, the Agency expects that a TTO limit based on this technology would result in minimal, if any, additional removal of TTO and is, therefore, again rejecting carbon adsorption as the basis for BAT. See Section 7 of the technical development document for a further discussion of the toxic organic removal achieved by carbon adsorption.

The BAT compliance date for TTO is the same as the compliance date for TTO under BPT because the limitations are identical. The compliance date for TTO is as soon as possible as determined by the permit writer; in no case may the compliance date be later than July 1, 1984. As discussed under BPT, 53 percent of all plants are already in compliance with the TTO limit.

The BAT compliance date for fluoride is as soon as possible as determined by the permit writer but in no case later than 31 months after the publication date of this regulation. The technology basis for the BAT fluoride limitations is precipitation/clarification. A survey conducted on precipitation/clarification treatment systems shows that, on average, plants require 31 months to design, install, and "start-up" such treatment systems.

3. BCT. As proposed, EPA is promulgating pH limitations for BCT based on the BPT technology since BPT achieves the maximum feasible control for pH. Since BPT is the minimal level of control required by law, no possible application of the BCT cost tests could result in BCT limitations lower than those being promulgated today. Accordingly, there is no need to wait until EPA finalizes the BCT methodology before promulgating a BCT limitation for pH. There are no other conventional pollutants of concern in the semiconductor subcategory as discussed in Section VIII of this preamble.

4. NSPS. For NSPS, the Agency is promulgating limitations based on solvent management, neutralization, and precipitation/clarification of the concentrated fluoride stream (Option 3). These technologies are equivalent to BAT for control of toxic organics and fluoride, and BCT for control of pH. EPA has determined that Option 3 is the best demonstrated technology for this subcategory. Other options were not selected for the same reasons presented under BAT.

The only change from proposed NSPS is the TTO limit. The TTO limit under NSPS is being changed from 0.47 mg/l to 1.37 mg/l for the reasons presented under BPT.

5. PSES and PSNS. For PSES and PSNS, the Agency is promulgating TTO (total toxic organics) limitations based on solvent management. Since biological treatment at well operated POTWs achieving secondary treatment does not achieve removal equivalent to BAT for TTO, pass through occurs. Effective solvent management can reduce TTO by over 99 percent while a POTW will only remove 13 to 97 percent of these same pollutants. Accordingly, EPA is promulgating PSES and PSNS based on technology equivalent to BPT/BAT/NSPS for reduction of TTO. As previously discussed under BPT, the TTO limit is being changed from 0.47 mg/l to 1.37 mg/l.

The compliance date for pretreatment standards for existing sources in the semiconductor subcategory is July 1, 1984, the same as the proposed date. EPA has determined that achievement by this date is feasible. Plants only need to improve the effectiveness of their solvent management program; they do not have to design and install new or sophisticated pollution control systems. There is no reason this cannot be done by July 1, 1984.

6. Monitoring/Certification Language. At proposal, as an alternative to TTO monitoring, we proposed to allow dischargers to certify that spent solvents are collected for resale or contract disposal instead of being discharged into the wastewater. The commenters supported the decision to develop the certification alternative but strongly objected to the proposed wording. EPA agrees with some of the comments (see Section XII) and has changed the final language accordingly. There are three major differences between the proposed and final language: (1) the discharger may now certify to the solvent management practices he is following to achieve compliance instead of certifying that he is in compliance with the limit, (2) the discharger is required to describe his solvent management plan in greater specificity to the permitting or control authority's satisfaction and certify that he is continuing to follow the solvent management plan, and (3) permitting authorities will incorporate the plan as a condition of the NPDES permit, and compliance with the plan will be required as a pretreatment standard.

7. Definitions. In response to a comment concerning the coverage of this subcategory, EPA has added a definition for semiconductor manufacturing.

B. Electronic Crystals

The pollutant parameters of concern that were detected in EPA's sampling and analysis efforts are arsenic, total toxic organics (TTO), fluoride, total suspended solids (TSS), and pH.

1. BPT. EPA is promulgating BPT based on Option 2, as proposed. This technology consists of Option 1 (solvent management and end-of-pipe neutralization) plus end-of-pipe precipitation/clarification. The regulated pollutants and pollutant parameters are total toxic organics (TTO), fluoride, arsenic, total suspended solids (TSS), and pH. Arsenic is only being regulated at facilities which manufacture gallium or indium arsenide crystals.

We are making two changes to the proposed BPT limitations for the electronic crystal subcategory. The first change is that the TTO Limit is being increased from 0.47 mg/l to 1.37 mg/l. The rationale for this change is set forth under BPT for the semiconductor subcategory. The second change from proposal is a slight increase in the daily maximum and thirty day arsenic limits which apply to gallium and indium arsenide producers.The daily maximum is being changed from 1.89 mg/l to 2.09 mg/l and the thirty day average is being changed from 0.68 mg/l to 0.83 mg/l. These changes correct a minor computational error in the statistical analyses of the data base at proposal.

The Agency is not promulgating a 30 day average limitation for TTO. As discussed under BPT for the semiconductor subcategory, the daily maximum limitation for TTO is based on solvent management which, unlike most treatment options, does not entail pollution control equipment and is therefore not subject to significant performance variations.

EPA estimates that compliance with BPT for this subcategory will result in the removal of 1000 kilograms per year of toxic organics at an annual cost of $15 thousand. No adverse economic impacts are projected; thus we conclude that the effluent reduction benefits justify the costs. Plants generating arsenic wastes have already installed the BPT model technology.

Option 3 was not selected as the basis for regulation because this technology

controls only one process stream, hydrofluoric acid etching, and therefore, does not control the arsenic and TSS found in other wastestreams. The selected option consists of end-of-pipe treatment technology and therefore controls the pollutants in all these wastestreams. Options 4 and 6 were not selected for reasons presented under BAT for the Semiconductor Subcategory. Option 5 was not selected for arsenic because the Agency has no data available to demonstrate that filtration will further reduce arsenic discharges. This option was also not selected for fluoride because, as previously stated under BAT for semiconductors, filtration would only reduce fluoride by three percent.

2. BAT. For BAT, EPA is promulgating limitations based on technology equivalent to BPT. As with BPT, we are changing the proposed TTO and arsenic limits. The new limits are the same as those presented under BPT.

The BAT compliance date for TTO, arsenic, and fluoride is the same as the compliance date for these pollutants under BPT because the limitations are identical. The compliance date is as soon as possible as determined by the permit writer; in no case, may the compliance date be later than July 1, 1984. Available information indicates that all direct dischargers in this subcategory presently have end-of-pipe precipitation/clarification for control of fluoride and for control of arsenic where found.

Option 3 was not selected as the basis for regulation for the same reason presented under BPT above. Options 4, 5, and 6 were not chosen for the reasons presented under BAT for the semiconductor subcategory.

3. BCT. For BCT, EPA is promulgating pH and TSS limitations based on technology eqivalent to BPT. For pH, BPT is equal to BCT for the same reason discussed under the semiconductor subcategory. For TSS, the Agency considered the addition of filtration to BPT (Option 5), but rejected this technology option because of the minimal additional reduction of total suspended solids. Based on BPT, the average removal of TSS for each of the six(6) direct dischargers will be approximately 5400 kilograms per year. Filtration would only increase this amount by 100 kilograms per year (0.4 kgs/day) or by less than two percent (2%). Since there is no other technology option which would remove TSS, EPA is setting BCT equal to BPT. Accordingly, there is no need to conduct the BCT cost test.

4. NSPS. For NSPS, EPA is promulgating limitations based on solvent management, neutralization, and end-of-pipe precipitation/clarification. These technologies are eqivalent to BAT for toxic pollutants plus fluoride, and are equivalent to BPT/BCT for conventional pollutants. The only changes from the proposed NSPS concern the limitations for TTO and arsenic, and these changes have been previously discussed under BPT and BAT.

Other options were not selected as the technology basis for the regulation because, as explained under BAT for the semiconductor subcategory, these model technologies would result in minimal, if any, additional pollutant removal. EPA has determined that Option 2 is the best demonstrated technology for this subcategory.

5. PSES and PSNS. Both TTO and arsenic will be removed to a greater extent by BAT than by biological treatment at well operated POTWs achieving secondary treatment. Effective solvent management can reduce TTO by over 99 percent while a POTW will remove 13 to 97 percent of these same pollutants. Similarly precipitation/clarification of arsenic will remove over 92 percent of this pollutant while a POTW will only remove 35 percent. Therefore, PSES and PSNS are required to prevent pass through. For PSES and PSNS, EPA is promulgating limitations based on solvent management, neutralization, and end-of-pipe precipitation/clarification (Option 2) for the facilities which manufacture gallium or indium arsenide crystals. For facilities which only manufacture other types of crystals, PSES and PSNS are based on solvent management (Option 1). Option 2 will control arsenic in addition to controlling toxic organics. Proposed pretreatment standards for TTO and arsenic are being changed as previously discussed under BPT and BAT.

The compliance date for PSES is as soon as possible but no later than July 1, 1984 for TTO and as soon as possible but no later than 31 months from publication for arsenic. To comply with the TTO standard plants only need to improve the effectiveness of their solvant management program; they do not have to design and install new or sophisticated pollution control systems. The compliance date for arsenic for PSES is longer than for BAT because, unlike direct dischargers, indirect dischargers have not in all cases installed treatment technology. The design, installation, and start-up of the precipitation/clarification system on which the arsenic standard is based is estimated to take 31 months according to data in the public record.

6. Monitoring/Certification Language. As discussed under the semiconductor subcategory, at proposal, as an alternative to TTO monitoring, we proposed to allow dischargers to certify that spent solvents are collected for resale or contract disposal instead of being discharged into the wastewater. The commenters supported the decision to develop the certification alternative but strongly objected to the proposed wording. EPA agrees with some of the comments (see Section XII) and has changed the final language accordingly. There are three major differences between the proposed and final language: (1) The discharger may now certify to the solvent management practices he is following to achieve compliance instead of certifying that he is in compliance with the limit, (2) the discharger is required to discribe his solvent management plan in greater specificity to the permitting or control authority's satisfaction and certify that he is continuing to follow the solvent management plan, and (3) permitting authorities will incorporate the plan as a condition of the NPDES permit, and compliance with the plan will be required as a pretreatment standard.

7. Definitions. In response to a comment concerning the coverage of this subcategory, EPA has added a definition for electronic crystal manufacturing.

VIII. Executive Order 12291 and Regulatory Flexibility Analysis

Executive Order 12291 requires EPA and other agencies to perform regulatory impact analyses of major regulations. Major rules are those which impose a cost on the economy of $100 million a year or more or have certain other economic impacts. This regulation is not a major rule because its annualized cost of $4.4 million is less than $100 million and it meets none of the other criteria specified in paragraph 1(b) of the Executive Order.

Public Law 96–354 requires EPA to prepare an Initial Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. This analysis may be done in conjunction with or as a part of any other analysis conducted by the Agency. The economic impact analysis described above indicates that there will not be a significant impact on any segment of the regulated population, large or small. Therefore, a formal regulatory flexibility analysis is not required.

IX. Costs and Economic Impacts

The Agency's economic impact assessment of this regulation is presented in *Economic Analysis of Effluent Standards and Limitations for the Electrical and Electronic Components Category—Phase I.* The analysis details the investment and annual costs for the two subcategories covered by the regulation: electronic crystals and semiconductors. The analysis also assesses the impact of effluent control costs in terms of profitability changes, capital availability, plant closures, production changes, employment effects, and balance of trade effects. Profits impacts are analyzed through estimated changes in and levels of return on assets and return on sales. Capital availability impacts are evaluated in relation to revenues for crystals and in relations to average plant and equipment expenditures for semiconductors. These impacts are then related to production changes, plant closures, and employment effects.

EPA has identified 70 establishments in the electronic crystal subcategory and 257 plants in the semiconductor subcategory that are covered by this regulation. Total investment costs for the two subcategories are estimated to be $5.6 million with an annual cost of $4.4 million, including interest and depreciation. No plant closures, employment impacts, or other economic impacts are expected to occur as a result of this regulation. Pollution control requirements for new sources in both subcategories are the same as for existing sources; thus, NSPS/PSNS are not expected to discourage entry or result in a cost disadvantage relative to current manufacturers. Each of the industry subcategories is discussed separately below.

A. Semiconductor Subcategory

Toxic Organics. BPT, BAT, PSES, NSPS and PSNS are controlled to the same level for toxic organics. These limitations and standards are expected to cause compliance costs consisting primarily of monitoring costs. This is because the costs associated with solvent disposal tend to be offset by resale of the solvents for other manufacturing processes. Based upon the estimate of facilities in both subcategories already in compliance with the toxic organics limitation, a number of facilities will have to improve their solvent management systems to comply. EPA projects, however, that the incremental costs incurred by these facilities will either be balanced out by resale of the spent solvents or result in slight additional net costs, therefore resulting in no significant economic impact. In any case, EPA performed a sensitivity analysis, assuming that the solvents were sent to hazardous waste disposal facilities covered by the Resource Conservation and Recovery Act. Worst case incremental compliance costs per plant ranged from $1,200 to $15,000, annually, and would be less than 0.2 percent of sales.

It is difficult to predict precisely how many plants will take advantage of the certification alternative to monitoring, although we expect most plants will want to do so. For purposes of costing, based upon our estimate we are assuming that 53 percent of existing plants already meet the toxic organic limit, and the same percentage, at a minimum, will also choose to certify. On average, EPA estimates that those plants who monitor will be required to do so quarterly. The monitoring costs for those plants would total $300 thousand in capital investment and $620 thousand annually. The impact of these costs is expected to be small, since they are less than 0.25 percent of sales. Some facilities may be required to monitor as frequently as once per month; therefore, EPA did a sensitivity analysis to assess the impact of monthly monitoring. These costs to such facilities are projected to be less than 0.4 percent of sales.

Thus, the sum total of all possible compliance costs for control of toxic organics is not expected to cause other than minor effects on profitability.

2. Fluoride. There are an estimated 77 direct dischargers covered by the BAT fluoride control requirements. Twenty-five of these plants already have treatment in place or haul their fluoride waste to landfills. Investment and annual costs for the remaining 52 plants (including monitoring) are estimated to be 4.3 million and 2.9 million, respectively, based on Option 3. Analysis of the post compliance profitabilities of these plants indicates that there would be some minor profit reduction for all plants in the industry; however, no plant closures or unemployment effects are expected. The analysis also indicates that these costs would be absorbed by the industry, thereby causing no increases in the prices of semiconductor products.

B. Electronic Crystal Subcategory

1. Toxic Organics. BPT, BAT, PSES, NSPS and PSNS are controlled to the same level for toxic organics. These limitations and standards are expected to cause compliance costs consisting primarily of monitoring costs.

This is because the costs associated with solvent disposal tend to be offset by resale of the solvents for other manufacturing processes. Again, based upon the fifty-three percent estimated compliance with the toxic organic limitations, the remaining facilities will have to improve their solvent management systems to comply. EPA projects, however, that the incremental costs incurred by these facilities will either be balanced out by resale of the spent solvents or result in slight additional net costs. In any case, EPA performed a sensitivity analysis, assuming that the solvents were sent to hazardous waste disposal facilities covered by the Resource Conservation and Recovery Act. Worst case incremental compliance costs ranged from $1,200 to $15,000 annually, and would result in post compliance return on investment (ROI) of no less than 27 percent.

It is difficult to predict precisely how many plants will take advantage of the certification alternative to monitoring, although we expect most plants will want to do so. For purposes of costing, based upon our estimate we are assuming that 53 percent of existing plants already meet the toxic organic limit, and the same percentage, at a minimum, will also choose to certify. On average, EPA estimates that those plants who monitor will be required to do so quarterly. These monitoring costs would total $70 thousand in capital investment and $135 thousand annually. The impact of these costs is expected to be small, since they result in post compliance ROIs of no less than 23 percent. Some facilities may be required to monitor as frequently as once per month; therefore, EPA did a sensitivity analysis to assess the impact of monthly monitoring. These costs to such facilities are projected to result in post compliance ROIs of no less than 22 percent.

Thus, the sum total of all possible compliance costs for control of toxic organics is not expected to cause other than moderate effects on profitability.

2. Arsenic. Costs incurred for PSES arise from treatment of arsenic resulting from processing operations. There are seven indirect dischargers that use arsenic in manufacturing crystals. Four of the seven plants already achieve the pretreatment standards and would incur no additional costs. Three plants must install additional treatment equipment. Investment costs for pollution control technologies are estimated to be $950 thousand with annual costs of $696 thousand. A plant specific analysis of these three establishments indicated that annual costs of compliance represent between 0.6 percent and 3.4

percent of the value of shipments. The economic analysis involved estimated return on sales, return on investment, and the ability to raise capital for the three plants. The profitability of the three plants may decline slightly as a result of the regulation, but any decline is not expected to cause plant closures or unemployment effects.

X. Non-Water Quality Aspects of Pollution Control

The elimination or reduction of one form of pollution may add to other environmental problems. Sections 304(b) and 306 of the Act require EPA to consider the non-water quality environmental impacts of these regulations including air and noise pollution, radiation, solid waste generation, and energy requirements.

Compliance with this regulation will have no effect on air, noise, or radiation pollution and will only result in minimal solid waste generation and minimal increased energy usage. The amount of solid waste generated per year will be 7700 metric tons per year. Available information indicates that the solid waste generated will not be hazardous as defined in the Resource Conservation and Recovery Act (RCRA). Energy requirements associated with these regulations will be 100,000 kilowatt-hours per year or only 7.5 kilowatt-hours per day per facility.

Based on the above non-water quality impacts from these requirements, EPA has concluded that this regulation best serves overall national environmental goals.

XI. Pollutants and Subcategories Not Regulated

A. Settlement Agreement

The Settlement Agreement contained provisions authorizing the exclusion from regulation, in certain circumstances, of toxic pollutants and industry categories and subcategories. These provisions have been rewritten in a Revised Settlement Agreement which was approved by the District Court for the District of Columbia on March 9, 1979, *NRDC* v. *Costle*, 12 ERC 1833.

Data supporting exclusion of the pollutants and subcategories identified below are presented in the Development Document for this rulemaking.

1. Exclusion of Pollutants. Ninety-five (95) toxic pollutants, listed in Appendix C, are being excluded from regulation for both the semiconductor and electronic crystal subcategories. The basis of exclusion for eighty-two (82) of these pollutants is Paragraph 8(a) (iii) which allows exclusion for pollutants which are not detectable with state-of-the-art analytical methods. The basis of exclusion for another nine (9) of these pollutants is provided by Paragraph 8(a)(iii) which also allows exclusion of pollutants which are present in amounts too small to be effectively reduced by technologies known to the Administrator. Four (4) toxic pollutants are being excluded from regulation because these pollutants are generated by unit operations (electroplating, sputtering, or vapor deposition) which will be subject to effluent limitations and standards promulgated under the metal finishing category. This is permitted by Paragraph 8(a)(iii).

In addition to the exclusion of the ninety-five (95) pollutants for both subcategories, another toxic pollutant is being excluded for the semiconductor subcategory only. This pollutant is arsenic and is being excluded under Paragraph 8(a)(iii) because it was found in amounts too small to be effectively treated by technologies known to the Administrator.

2. Exclusion of subcategories. Seventeen subcategories are being excluded from this regulation based on either paragraph 8(a)(iii) or paragraph 8 (a)(iv) of the Revised Settlement Agreement. Five subcategories are being excluded under Paragraph 8(a)(iii) because pollutants are found only in trace amounts and in quantities too small to be effectively reduced by treatment. These subcategories are magnetic coatings, mica paper, carbon and graphite products, fluorescent lamps, and incandescent lamps. (Incandescent lamps are being excluded on these grounds, with the exception of chromium which is excluded under paragraph 8(a)(iii) because the sulfuric-chromium acid cleaning process will be regulated under the metal finishing category). Eight subcategories are being excluded under Paragraph 8(a)(iii) because the pollutants will be effectively controlled by technologies upon which are based other effluent limitations and pretreatment standards. Six of the eight subcategories generate wastewater from unit operations which will be covered by metal finishing: these are switchgear, resistance heaters, ferrite devices, capacitors (fluid-filled), transformers (fluid-filled), and the subcategory of motors, generators, and alternators. Another subcategory, insulated devices, plastic and plastic laminated, will be covered by the plastic molding and forming regulation. The last subcategory, insulated wire and cable, will be covered by a number of other categories which include aluminum and aluminum alloys, copper and copper alloys, iron and steel, plastics processing, and metal finishing.

Two subcategories are being excluded from regulation under Paragraph 8(a)(iv) because no water is used in the manufacturing process; these are resistors and dry transformers. Another subcategory, fuel cells, is also being excluded under Paragraph 8(a)(iv) because there are only two or three plants in this subcategory and fuel cells are not manufactured on a regular basis.

Finally, one subcategory, fixed capacitors, is being excluded under both 8(a)(iii) and 8(a)(iv). All pollutants except copper and lead are being excluded under 8(a)(iii) because these pollutants are present only in trace amounts and are not found in treatable quantities. Copper generated by this subcategory is being excluded from regulation under Paragraph 8(a)(iii) because the unit operation which generates copper will be covered by metal finishing. Lead found in the subcategory is being excluded from regulation under Paragraph 8(a)(iv) because it is unique to two plants.

B. Conventional Pollutants

BOD, fecal coliform, and oil and grease are not being regulated for either subcategory because they were found at concentrations below treatability. Total suspended solids (TSS) is not being regulated in the case of semiconductors because it was found at an average concentration of 10 mg/l which is below treatability.

XII. Public Participation and Responses to Major Comments

On August 24, 1982, the Agency published proposed rules for effluent limitations guidelines, pretreatment standards, and new source performance standards under the Clean Water Act for the semiconductor and electronic crystal subcategories of the Electrical and Electronic Components Point Source Category. Following the publication of the proposed rules, we provided the technical development document and the economic document supporting the proposed rules to industry, environmental groups, government agencies, and the public sector. A workshop was held on the Electrical and Electronic Components BAT Rulemaking in San Francisco on October 15, 1982. On October 21, 1982, in Washington, D.C., a pretreatment public hearing was held at which eight persons presented testimony.

The comment period closed on October 25, 1982. Comments were received from the following: County Sanitation District of Los Angeles, Digital Equipment Corporation, Dionics, Inc., Fairchild Camera and Equipment

Corp., General Development Utilities, General Electric Co., General Motors Corp., Harris Corp., Hemlock Semiconductors Corp., Honeywell, Inc., Monsanto, Motorola, Inc., National Semiconductor, New York State Dept. of Environmental Control, RCA Corporation, Santa Clara Chamber of Commerce, Semiconductor Industry Association, Texas Instruments, Inc., and the U.S. Dept. of the Interior.

All comments received have been carefully considered, and appropriate changes in the regulations have been made whenever available data and information supported these changes. Major issues raised by commenters are addressed in Section VII and this section. A summary of all the comments received and our detailed responses to all comments are included in a report "Responses to Public Comments, Proposed Electrical and Electronic Components Effluent Guidelines and Standards", which is a part of the public record for this regulation.

1. Comment: The TTO limit of 0.47 mg/l is not achievable based on the proposed control technology of solvent management which consists of the collection of spent solvent baths. Many plants are practicing solvent management but do not achieve the proposed limit. EPA did not account for such plants. Further, in developing the proposed TTO limit, the Agency did not fully account for all process sources of toxic organics (e.g. scrubbers). An appropriate effluent TTO limit based on solvent management is 7.9 mg/l.

Response: EPA recognizes that these are plants which consider themselves as practicing solvent management but which do not meet the TTO effluent limitation that EPA states can be achieved. EPA purposefully did not consider all such plants in establishing the effluent limitations because plants vary in the effectiveness with which they practice solvent management. Under the Act, BPT limitations generally represent the average of the best performing plants and BAT represents the best performance economically achievable. Thus EPA does not base limits on the experience of plants with the poorest performance. To the extent that EPA's proposed limit was interpreted as reflecting the highest effluent concentration of TTO found at all plants practicing solvent management *regardless of the effectiveness of the solvent management program*, that interpretation is incorrect.

The Agency has revised its methodology for deriving the TTO limit to more explicitly address the contribution of TTO from process wastewater streams. The revised methodology results in a TTO limit of 1.37 mg/l compared with 0.47 mg/l at proposal. We have no data in the record, nor have any commenters submitted data, to support the claim that a TTO limit based on solvent management, as demonstrated by the best performing plants, should be 7.9 mg/l or otherwise higher than 1.37 mg/l. Solvent management is a demonstrated means of reducing the discharge of total toxic organics to low levels, and EPA sees no basis for establishing a less stringent limitation.

2. Comment: Many commenters objected to the certification language EPA proposed as an alternative to TTO monitoring. While the commenters agreed that certification is preferable to monitoring, some asserted that the only way to truthfully certify to the language EPA proposed would be to monitor continuously. Various alternatives were offered, such as certifying merely that the discharger practices solvent management. One commenter pointed out that EPA had recently proposed new certification language for signatories to permit applications and reports (40 CFR 122.6) as part of a settlement agreement in the consolidated permits litigation, (*NRDC* v. *EPA*, and consolidated cases, No. 80–1607, D.C. Cir.) and suggested that EPA adopt that language here. The specific certification language suggested from each commenter on this issue is presented in EPA's report "Response to Public Comments, Proposed Electrical and Electronic Components Effluent Guidelines and Standards—Phase I".

Response: EPA agrees that changes in the certification language are warranted. First, we believe it is appropriate to modify the proposed language to accord more closely with the certification language agreed to in the consolidated permits settlement agreement concerning 40 CFR 122.22, formerly § 122.6, 47 FR 25548, 25553 (June 14, 1982). We do not see a significant enough difference between this regulation and § 122.22 to justify substantially different language. Thus, we have adapted the proposed settlement language with minor differences reflecting the particular nature of the TTO certification requirement.

Second, we have amended the language to allow the discharger to certify that "no dumping of concentrated toxic organics into the wastewater has occurred since filing the last discharge monitoring report." The proposed language appeared to require the discharger to certify that he is in compliance with the limit; we recognize that it may be difficult to certify to this language in the absence of monitoring. Now the discharger will be allowed to certify as to his solvent management practices. However, because the new wording is less precise (i.e., no "dumping of concentrated toxic organics") and because some commenters pointed to the need for more specificity about certification procedures, we are adding more explicit language requiring the discharger to describe his solvent management plan. The proposed language would have required the discharger to specify the toxic organic compounds used and the procedure used to prevent excessive wastewater discharge of toxic organics, whereas the final language requires the discharger to submit a solvent management plan that specifies to the permitting or control authority's satisfaction the toxic organic compounds used; the method of disposal used instead of dumping, such as resale, reclamation, contract hauling, or incineration; and procedures for assuring that toxic organics do not routinely spill or leak into the wastewater. The discharger must also certify that the facility is implementing the solvent management plan.

Finally, for direct dischargers, the solvent management plan will be incorporated as a condition of their NPDES permits. A similar requirement does not exist for indirect dischargers since under the Clean Water Act permits are not issued for them by the control authority. However, the pretreatment standard does require indirect dischargers to implement the plan which they submit to the control authority. Both these requirements reinforce the discharger's responsibility to implement his certification statement.

We believe these changes will resolve many of the concerns raised by the commenters. We have rejected, however, the suggestions of some commenters that the discharger merely certify that a solvent management program is in effect. We do not believe that general certification of that sort provides sufficient assurance that dumping of used solvents is not occurring, or adequate means of enforcement.

We expect some dischargers may still find the amended certification language to be too restrictive. Such dischargers will have to monitor. Based on our survey of state and regional permitters, we estimate that, on average, monitoring for TTO will be required once per quarter. In some cases, plants may be required to monitor more frequently such as once per month. The annualized monitoring costs for these two sampling frequencies are estimated to range from

$5,500 to $15,000 per year, respectively. A sensitivity analysis of monthly costs shows no adverse economic impact. For a further discussion of the economic impacts resulting from monitoring, see the *Economic Impact Analysis of Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category Phase I.*

As a final point we wish to emphasize that the addition of certification language does not in any way diminish the discharger's liability for noncompliance with the TTO limitation.

3. Comment: EPA's estimate of zero costs to comply with the TTO limit is not supported by the record.

Response: We do not claim that the TTO compliance costs will be absolutely zero, but rather, as explained at proposal, we expect compliance costs to be minimal. However, even accepting industry's assertion that we have significantly understated TTO compliance costs, we have costed the unlikely worst case compliance scenario which is disposal of spent solvents as a hazardous waste subject to RCRA requirements without recovery of residual value. The worst case incremental costs average $3600 per year with a range of $1200 to $15,000 per year depending on the extent to which plants are already collecting spent solvents. Our economic analysis of these costs show that the impact is insignificant, and justified by the effluent reduction. For further economic information on the impact of the TTO compliance costs, see *Economic Impact Analysis of Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category Phase I.*

4. Comment: One commenter objected to the absence of pretreatment standards for fluoride. This commenter argued that EPA gave no reason for not controlling fluoride, that "pass through" as defined in the general pretreatment regulations occurs, and that there are available control technologies.

Response: We are not regulating fluoride under PSES or PSNS for either subcategory. A unique combination of reasons underlies this decision. Fluoride is not a toxic pollutant under the Act and EPA has more discretion concerning the establishment of pretreatment standards for such pollutants. In this particular instance fluoride is not a pollutant of concern for indirect dischargers. The average plant flow for the semiconductor category is 157,000 gallons per day and the average plant concentration of fluoride in the wastewater entering the POTW is 65.5 mg/l. Comparable figures for the electronic crystal subcategory are 29,000 gallons per day and 129 mg/l. EPA's environmental assessment, based on a substantial body of scientific literature, shows that there is little likelihood of health or environmental effects from the introduction of fluoride at these flows and concentrations into a POTW. For these reasons, EPA believes it is not appropriate to establish nationally applicable categorical pretreatment standards.

5. Comment: One commenter requested that the compliance date for pretreatment standards be extended from the proposed date of July 1, 1984 to three years from the date of promulgation. This commenter contends that the proposed compliance date does not allow plants sufficient time to properly design and install the treatment technologies needed to comply with pretreatment standards.

Response: The proposed pretreatment standards regulate toxic organics for all indirect dischargers and arsenic for plants which manufacture gallium or indium arsenide crystals. As previously discussed in section VI of this preamble, the control of toxic organics does not require the installation of any treatment technology and can be readily implemented. Consequently, we are not extending the compliance date for PSES for total toxic organics (TTO). However, we are extending the compliance date for PSES for arsenic from July 1, 1984 to 31 months from promulgation date, if necessary. The control of arsenic is based on precipitation and clarification and the design and installation of this treatment system requires, on average, 31 months.

XIII. Best Management Practices

Section 304(e) of the Clean Water Act authorizes the Administrator to prescribe "best management practices" ("BMP"), described in Section III of this preamble. EPA is not considering BMP for the electrical and electronic components category.

XIV. Upset and Bypass Provisions

A recurring issue is whether industry limitations and standards should include provisions that authorize noncompliance during "upsets" or "bypasses." An upset, sometimes called an "excursion," is unintentional noncompliance beyond the reasonable control of the permittee. EPA believes that upset provisions are necessary, because upsets will inevitably occur, even if the control equipment is properly operated. Because technology-based limitations can require only what technology can achieve, many claim that liability for upsets is improper. When confronted with this issue, courts have been divided on the questions of whether an explicit upset or excursion exemption is necessary or whether upset or excursion incidents may be handled through EPA's enforcement discretion. Compare *Marathon Oil Co.* v. *EPA*, 564 F.2d 1253 (9th Cir. 1977) with *Weyerhaeuser* v. *Costle, supra* and *Corn Refiners Association, et al.* v. *Costle*, No. 78-1069 (8th Cir. April 2, 1979). See also *American Petroleum Institute* v. *EPA*, 540 F.2d 1023 (10th Cir. 1976); *CPC International, Inc.* v. *Train*, 540 F.2d 1320 (8th Cir. 1976); *FMC Corp.* v. *Train*, 539 F.2d 973 (4th Cir. 1976).

Unlike an upset—which is an unintentional episode—a bypass is an intentional noncompliance to circumvent waste treatment facilities during an emergency.

EPA has both upset and bypass provisions in NPDES permits, and the NPDES permit regulations include upset and bypass permit provisions. See 40 CFR Part 122.22, 44 FR 32854, 32862-3 (June 7, 1979). The upset provision establishes an upset as an affirmative defense to prosecution for violation of technology-based effluent limitations. The bypass provision authorizes bypassing to prevent loss of life, personal injury, or severe property damage. Since permittees in the semiconductor and electronic crystal subcategories are entitled to the upset and bypass provisions in NPDES permits, this regulation does not repeat these provisions. Upset provisions are also contained in the general pretreatment regulation.

XV. Variances and Modifications

When the final regulation for a point source category is promulgated, subsequent Federal and State NPDES permits to direct dischargers must enforce the effluent standards. Also, the pretreatment limitations apply directly to indirect dischargers.

The only exception to the BPT effluent limitations is EPA's "fundamentally different factors" variance. See *E. I. duPont de Nemours and Co.* v. *Train, supra; Weyerhaeuser Co.* v. *Costle, supra.* This variance recognizes characteristics of a particular discharger in the category regulated that are fundamentally different from the characteristics considered in this rulemaking. This variance clause is included in the NPDES regulations and not in this regulation. See 40 CFR Part 125.30.

Dischargers subject to the BAT limitations are also eligible for EPA's "fundamentally different factors" variance. Further, BAT limitations *for*

nonconventional pollutants may be modified under Sections 301(c) and 301(g) of the Act. These statutory modifications do not apply to toxic or conventional pollutants.

The economic modification section (301(c)) gives the Administrator authority to modify BAT requirements for non-conventional pollutants[1] for dischargers who file a permit application after July 1, 1977, upon a showing that such modified requirements will: (1) Represent the maximum use of technology within the economic capability of the owner or operator and (2) result in reasonable further progress toward the elimination of the discharge of pollutants. The environmental modification section (301(g)) allows the Administrator, with the concurrence of the State, to modify BAT limitations for non-conventional pollutants from any point source upon a showing by the owner or operator of such point source satisfactory to the Administrator that:

(a) Such modified requirements will result at a minimum in compliance with BPT limitations or any more stringent limitations necessary to meet water quality standards;

(b) Such modified requirements will not result in any additional requirements on any other point or non-point source; and

(c) Such modification will not interfere with the attainment or maintenance of that water quality which shall assure protection of public water supplies, and the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities, in and on the water and such modification will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity or teratogenicity), or synergistic propensities.

Section 301(j)(1)(B) of the Act requires that application for modifications under section 301 (c) or (g) must be filed within 270 days after the promulgation of an applicable effluent guideline. Initial applications must be filed with the Regional Administrator and, in those States that participate in the NPDES program, a copy must be sent to the Director of the State program. Initial applications to comply with 301(j) must include the name of the permittee, the permit and outfall number, the applicable effluent guideline, and whether the permittee is applying for a 301(c) or 301(g) modification or both. Applicants interested in applying for both must do so in their initial application. For further details, see 43 FR 40659, September 13, 1978.

For the semiconductor subcategory, the nonconventional pollutant fluoride is not regulated at BPT, but is regulated at BAT. For this subcategory only, dischargers who file an initial application within 270 days after the publication of this regulation will be considered for 301(c) and 301(g) modifications. Modifications will be considered at the time the NPDES permit is reissued. Although the Agency intends to issue a regulation establishing criteria for 301(c) and 301(g) determinations, modifications will be made on a case-by-case basis until the 301(c) and 301(g) regulations are final.

Indirect dischargers subject to PSES are eligible for the "fundamentally different factors" variance and for credits for toxic pollutants removed by POTWs. See 40 CFR 403.7; 403.13; 46 FR 9404 (January 28, 1981). Indirect dischargers subject to PSNS are only eligible for the credits provided for in 40 CFR 403.7. New sources subject to NSPS are not eligible for EPA's "fundamentally different factors" variance or any statutory or regulatory modifications. See *E.I. duPont de Nemours* v. *Train, supra.*

XVI. Relation to NPDES Permits

The BPT, BAT and BCT limitations and SNPS in this regulation will be applied to individual plants through NPDES permits issued by EPA or approved State agencies under Section 402 of the Act. Under this regulation for the Electrical and Electronic Components Category, all limitations are concentration based. National mass based limitations are not provided because the Agency has determined that a fundamental relationship between production and pollutant loadings does not exist for either subcategory. See 40 CFR 122.45(f), formerly 122.63(f). Permitting authorities can derive mass based limitations by multiplying the concentration limit by the undiluted discharge flow.

The preceding section of this preamble discussed the binding effect of this regulation on NPDES permits, except when variances and modifications are expressly authorized. The following adds more detail on the relation between this regulation and NPDES permits.

One issue is how the regulation affects the authority of those that issue NPDES permits. EPA has developed the limitations and standards in this regulation to cover the typical facility for this point source category. In specific cases, the NPDES permitting authority may have to establish permit limits on toxic pollutants that are not covered by this regulation. This regulation does not restrict the power of any permit-issuing authority to comply with law or any EPA regulation, guideline, or policy. For example, if this regulation does not control a particular pollutant, the permit issuer may still limit the pollutant on a case-by-case basis, when such action conforms with the purposes of the Act. In addition, if State water quality standards or other provisions of State or Federal law require limits on pollutants not covered by this regulation (or require more stringent limits on covered pollutants), the permit-issuing authority *must* apply those limitations.

A final topic of concern is the operation of EPA's NPDES enforcement program, which was an important consideration in developing this regulation. The Agency emphasizes that although the Clean Water Act is a strict liability statute, EPA can initiate enforcement proceedings at its discretion (*Sierra Club* v. *Train* 557 F. 2d 485, 5th Cir., 1977). EPA has exercised and intends to exercise that discretion in a manner that recognizes and promotes good-faith compliance.

XVII. Availability of Technical Information

The basis for this regulation is detailed in four major documents. Analytical methods are discussed in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*. EPA's technical conclusions are detailed in *Development Document for Effluent Guidelines, New Source Performance Standards, and Pretreatment Standards for the Electrical and Electronic Components Point Source Category—Phase I.* The Agency's economic analysis is presented in *Economic Impact Analysis of Effluent Limitations and Standards for the Electrical and Electronic Components Industry—Phase I.* A summary of the public comments received on the proposed regulation is presented in a report "Responses to Public Comments, Proposed Electrical and Electronic Components Effluent Guidelines and Standards", which is part of the public record for this regulation.

Technical information may be obtained by writing to David Pepson,

[1] Section 301(1) precludes the Administrator from modifying BAT requirements for any pollutants which are on the toxic pollutant list under section 307(a)(1) of the Act.

Effluent Guidelines Division (WH–552), EPA, 401 M Street, S.W., Washington, D.C. 20460 or through calling (202) 382–7157.

Additional information concerning the economic impact analysis may be obtained from Ms. Renee Rico, Economic Analysis Staff (WH–586), EPA, 401 M Street, S.W., Washington, D.C. 20460 or by calling (202) 382–5386. Copies of the technical and economic documents may be obtained from the National Technical Information Service, Springfield, Virginia 22161 (703) 487–4600.

XVIII. OMB Review

The regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Room M2404, U.S. EPA, 401 M Street S.W., Washington, D.C. 20460 from 9:00 a.m. to 4:00 p.m. Monday–Friday excluding Federal holidays.

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the reporting and recordkeeping provisions in 40 CFR 469.13 and 469.23 that are included in this regulation will be submitted for approval to OMB. They are not effective until OMB approval has been obtained and the public is notified to that effect through a technical amendment to this regulation.

XIX. List of Subjects in 40 CFR Part 469

Electrical and electronic equipment, Water pollution control, Waste treatment and disposal.

Dated: March 31, 1983.

Lee M. Thomas,

Acting Administrator.

XX. Appendixes

Appendix A—Abbreviations, Acronyms, and other Terms Used in This Notice

Act—The Clean Water Act.

Agency—The U.S. Environmental Protection Agency.

BAT—The best available technology economically achievable under Section 304(b)(2)(B) of the Act.

BCT—The best conventional pollutant control technology, under Section 304(b)(4) of the Act.

BMP—Best management practices under Section 304(e) of the Act.

BPT—The best practicable control technology currently available under Section 304(b)(1) of the Act.

Clean Water Act—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 *et seq.*), as amended by the Clear Water Act of 1977 (Public Law 95–217).

Direct Discharger—A facility which discharges or may discharge pollutants into waters of the United States.

Indirect Discharger—A facility which discharges or may discharge pollutants into a publicly owned treatment works.

NPDES Permit—A National Pollutant Discharge Elimination System permit issued under Section 402 of the Act.

NSPS—New source performance standards under Section 306 of the Act.

POTW—Publicly owned treatment works.

PSES—Pretreatment standards for existing sources of indirect discharges under Section 307(b) of the Act.

PSNS—Pretreatment standards for new sources of direct discharges under Sections 307 (b) and (c) of the Act.

RCRA—Resource Conservation and Recovery Act (Pub. L. 94–580) of 1976, as amended, 42 U.S.C. 6901 *et seq.*

Appendix B—List of Toxic Organics Comprising Total Toxic Organics (TTO)

1,2,4 trichlorobenzene chloroform
1,2 dichlorobenzene
1,3 dichlorobenzene
1,4 dichlorobenzene ethylbenzene
1,1,1 trichloroethane methylene chloride
napthalene
2 nitrophenol phenol bis(2-ethylhexyl)
phthalate tetrachloroethylene toluene
trichloroethylene
2 chlorophenol
2,4 dichlorophenol
4 nitrophenol pentachlorophenol di-n-butyl
phthalate anthracene
1,2 diphenylhydrazine isophorone butyl
benzyl phthalate
1,1 dichloroethylene
2,4,6 trichlorophenol carbon tetrachloride
1,2 dichloroethane
1,1,2 trichloroethane dichlorobromoethane

Appendix C—List of Pollutants Excluded From Regulation

The following nine (9) pollutants are being excluded from regulation in the semiconductor and electronic crystal subcategories under Paragraph 8(a)(iii) of the Settlement Agreement because they are present in amounts too small to be effectively reduced:

antimony
beryllium
cadmium
mercury
selenium
silver
thallium
zinc
cyanide

The following four (4) pollutants are being excluded under Paragraph 8(a)(iii) because these pollutants are generated by unit operations (electroplating, sputtering, or vapor deposition) which will be subject to effluent limitations and standards being promulgated under the metal finishing category:

lead
nickel
copper
chromium

The following eighty-two pollutants are being excluded under Paragraph 8(a)(iii) because they were not detected in the effluent.

acenaphthene
acrolein
acrylonitrile
benzene
benzidine
chlorobenzene
hexachlorobenzene
hexachloroethane
1,1-dichloroethane
1,1,2,2-tetrachloroethane
chloroethane
bis(2-chloroethyl) ether
2-chloroethylvinyl ether
2-chloronaphthalene
parachlorometa cresol
3,3'-dichlorobenzidine
1,2-trans-dichloroethylene
4,6-dinitro-o-cresol
N-nitrosodimentylamine
N-nitrosodiphenylamine
N-nitrosodi-n-propylamine
di-n-octyl phthalate
diethyl phthalate
benzo(a)anthracene
benzo(a)pyrene
3,4-benzofluorathene
benzo(k)fluoranthane
chrysene
acenphthylene
benzo(ghi)perylene
fluorene
phenanthrene
dibenzo(a,h)anthrene
ideno(1,2,3-cd)pyrene
pyrene
2,3,4,8-tetrachlorodibenzo-p-dioxin
1,2-dichloropropane
1,2-dichloropropylene
2,4-dimethylphenol
2,4-dinitrotoluene
2,6-dinitrotoluene
fluorathene
4-chlorophenyl phenyl ether
4-bromophenyl phenyl ether
bis(2-chloroisopropyl) ether
bis(2-chloroethoxy)methane
methyl chloride
methyl bromide
bromoform
chlorodibromemethane
hexachlorobutadiene
hexachlorocyclopentadiene
nitrobenzene
2,4-dinitrophenol
vinyl chloride
aldrin
dieldrin
chlordane
4,4'-DDT
4,4'-DDE
4,4'-DDD
a-endosulfan-Alpha
b-endosulfan-Beta
endosulfan sulfate
endrin
endrin aldehyde
heptachlor
heptachlor epoxice
a-BHC-Alpha
r-BHC-Beta
g-BHC-Delta

PCB-1242
PCB-1254
PCB-1221
PCB-1232
PCB-1248
PCB-1260
PCB-1016
toxaphene
asbestos
PCB-1248
PCB-1260
PCB-1016
toxaphene
asbestos

For the reasons stated above, EPA is establishing a new Part 469 of 40 CFR, Chapter I as follows:

PART 469—ELECTRICAL AND ELECTRONIC COMPONENTS POINT SOURCE CATEGORY

Subpart A—Semiconductor Subcategory

Sec.
469.10 Applicability; description of the semiconductor subcategory.
469.11 Compliance dates.
469.12 Specialized definitions.
469.13 Monitoring.
469.14 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
469.15 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
469.16 Pretreatment standards for existing sources (PSES).
469.17 New source performance standards (NSPS).
469.18 Pretreatment standards for new sources (PSNS).
469.19 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT).

Subpart B—Electronic Crystals Subcategory

469.20 Applicability; description of the electronic crystals subcategory.
469.21 Compliance dates.
469.22 Specialized definitions.
469.23 Monitoring.
469.24 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
469.25 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
469.26 Pretreatment standards for existing sources (PSES).
469.27 New source performance standards (NSPS).
469.28 Pretreatment standards for new sources (PSNS).
469.29 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT).

Authority: Secs. 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977, 33 U.S.C. 1311, 1314, 1316, 1317, 1318, and 1361; 86 Stat. 816, Pub. L. 92–500; 91 Stat. 1567, Pub. L. 95–217.

Subpart A—Semiconductor Subcategory

§ 469.10 Applicability.

The provisions of this subpart are applicable to discharges resulting from all process operations associated with the manufacture of semiconductors, except sputtering, vapor deposition, and electroplating.

§ 469.11 Compliance dates.

The compliance deadline for the BAT fluoride limitation shall be as soon as possible as determined by the permit writer, but no later than November 8, 1985. The compliance deadline for the BAT and BCT limitations for total toxic organics (TTO) and pH, respectively, is as soon as possible as determined by the permit writer, but in no event later than July 1, 1984. The compliance date for PSES for TTO is July 1, 1984.

§ 469.12 Specialized definitions.

The definitions in 40 CFR Part 401 and the chemical analysis methods in 40 CFR Part 136 apply to this subpart. In addition,

(a) The term "total toxic organics (TTO)" means the sum of the concentrations for each of the following toxic organic compounds which is found in the discharge at a concentration greater than ten (10) micrograms per liter:

1,2,4 trichlorobenzene chloroform
1,2 dichlorobenzene
1,3 dichlorobenzene
1,4 dichlorobenzene ethylbenzene
1,1,1 trichloroethane methylene chloride naphthalene
2 nitrophenol phenol bis(2-ethylhexyl) phthalate tetrachloroethylene toluene trichloroethylene
2 chlorophenol
2,4 Dichlorophenol
4 nitrophenol pentachlorophenol di-n-butyl phthalate anthracene
1,2 diphenylhydrazine isophorone butyl benzyl phthalate
1,1 dichloroethylene
2,4,6 trichlorophenol carbon tetrachloride
1,2 dichloroethane
1,1,2 trichloroethane dichlorobromomethane

(b) The term "semiconductors" means solid state electrical devices which perform functions such as information processing and display, power handling, and interconversion between light energy and electrical energy.

(c) The term "manufacture of semiconductors" means those processes, beginning with the use of crystal wafers, which lead to or are associated with the manufacture of semiconductor devices.

§ 469.13 Monitoring.

(a) In lieu of monitoring for TTO, the permitting authority may allow direct dischargers to include the following certification as a "comment" on the Discharge Monitoring Report required by § 122.44 (i), formerly § 122.62(i): "Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the solvent management plan submitted to the permitting authority."

(b) In requesting that no monitoring of TTO be required, the direct discharger shall submit a solvent management plan that specifies to the permitting authority's satisfaction the toxic organic compounds used; the method of disposal used instead of dumping, such as reclamation, contract hauling, or incineration; and procedures for assuring that toxic organics do not routinely spill or leak into the wastewater. The permitting authority shall incorporate the plan as a provision of the permit.

(c) In lieu of monitoring for TTO, the control authority may allow industrial users of POTWs to make the following certification as a comment to the periodic reports required by § 403.12(e): "Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the solvent management plan submitted to the control authority."

(d) In requesting that no monitoring be required, industrial users of POTWs shall submit a solvent management plan that specifies to the control authority's satisfaction the toxic organic compounds used; the method of disposal used instead of dumping, such as reclamation, contract hauling, or incineration; and procedures for assuring that toxic organics do not

routinely spill or leak into the wastewater.

§ 469.14 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR Part 125.30–32 any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

SUBPART A—SEMICONDUCTOR BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	([2])
pH	([3])	([2])

[1] Total toxic organics.
[2] Not applicable.
[3] Within the range of 6.0 to 9.0.

§ 469.15 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR Part 125.30–32 any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT):

SUBPART A—SEMICONDUCTOR BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	([2])
Fluoride (T)	32.0	17.4

[1] Total toxic organics.
[2] Not applicable.

§ 469.16 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES):

(a)

SUBPART A—SEMICONDUCTOR PSES EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	([2])

[1] Total toxic organics.
[2] Not applicable.

(b) An existing source submitting a certification in lieu of monitoring pursuant to § 469.13 (c) and (d) of this regulation must implement the solvent management plan approved by the control authority.

§ 469.17 New source performance standards (NSPS).

Any new source subject to this subpart must achieve the following new source performance standards (NSPS).

SUBPART A—SEMICONDUCTOR NSPS EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	([2])
Fluoride (T)	32.0	17.4
pH	([3])	([2])

[1] Total toxic organics.
[2] Not applicable.
[3] Within the range of 6.0 to 9.0.

§ 469.18 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR Part 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS):

(a)

SUBPART A—SEMICONDUCTOR PSNS EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	([2])

[1] Total toxic organics.
[2] Not applicable.

(b) A new source submitting a certification in lieu of monitoring pursuant to § 469.13 (c) and (d) of this regulation must implement the solvent management plan approved by the control authority.

§ 469.19 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT).

Except as provided in 40 CFR Part 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT):

SUBPART A—SEMICONDUCTOR BCT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
pH	([1])	([1])

[1] Within the range 6.0 to 9.0.

Subpart B—Electronic Crystals Subcategory

§ 469.20 Applicability.

(a) The provisions of this subpart are applicable to discharges resulting from the manufacture of electronic crystals.

§ 469.21 Compliance dates.

The compliance date for the BAT fluoride, arsenic and total toxic organic (TTO) limitations and the BCT limitation on total suspended solids (TSS) and pH is as soon as possible as determined by the permit writer, but in no event later than July 1, 1984. The compliance date for PSES for TTO is July 1, 1984 and for arsenic is November 8, 1985. The Consent Decree in *NRDC* v. *Train*, 12 ERC 1833 (D.D.C. 1979) specifies a compliance date for PSES of no later than June 30, 1984. EPA will be moving for a modification of that provision of the Decree. Should the Court deny that motion, EPA will be required to modify this compliance date accordingly.

§ 469.22 Specialized definitions.

The definitions in 40 CFR 401 and the chemical analysis methods in 40 CFR 136 apply to this subpart. In addition,

(a) The term "total toxic organics (TTO)" means the sum of the concentrations for each of the following toxic organic compounds which is found in the discharge at a concentration greater that ten (10) micrograms per liter:

1,2,4 trichlorobenzene chloroform
1,2 dichlorobenzene
1,3 dichlorobenzene
1,4 dichlorobenzene ethylbenzene
1,1,1 trichloroethane methylene chloride
naphthalene

2 nitrophenol phenol bis(2-ethylhexyl) phthalate tetrachloroethylene toluene trichloroethylene
2 chlorophenol
2,4 dichlorophenol
4 nitrophenol pentachlorophenol di-n-butyl phthalate anthracene
1,2 diphenylhydrazine isophorone butyl benzyl phthalate
1,1 dichloroethylene
2,4,6 trichlorophenol carbon tetrachloride
1,2 dichloroethane
1,1,2 trichloroethane dichlorobromomethane

(b) The term "electronic crystals" means crystals or crystalline material which because of their unique structural and electronic properties are used in electronic devices. Examples of these crystals are crystals comprised of quartz, ceramic, silicon, gallium arsenide, and idium arsenide.

(c) The term "manufacture of electronic crystals" means the growing of crystals and/or the production of crystal wafers for use in the manufacture of electronic devices.

§ 469.23 Monitoring.

The certification alternative to monitoring for Total Toxic Organics (TTO) described in § 469.13(a) (b) (c) and (d) is applicable to this subpart.

§ 469.24 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

SUBPART B—ELECTRONIC CRYSTALS BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	[3]
Arsenic (T) [2]	2.09	0.83
Fluoride (T)	32.0	17.4
TSS	61.0	23.0
pH	[4]	[4]

[1] Total toxic organics.
[2] The arsenic (T) limitation only applies to manufacturers of gallium or indium arsenide crystals.
[3] Not applicable.
[4] Within the range of 6.0 to 9.0.

§ 469.25 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically available (BAT):

SUBPART B—ELECTRONIC CRYSTALS BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	[3]
Arsenic [2]	2.09	0.83
Fluoride	32.0	17.4

[1] Total toxic organics.
[2] The arsenic limitation only applies to manufacturers of gallium or indium arsenide crystals.
[3] Not applicable.

§ 469.25 Pretreatment standards for existing sources (PSES).

(a) Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES):

SUBPART B—ELECTRONIC CRYSTALS PSES EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	[3]
Arsenic (T) [2]	2.09	0.83

[1] Total toxic organics.
[2] Not applicable.
[3] The arsenic (T) limitation only applies to manufacturers of gallium or indium arsenide crystals.

(b) An existing source submitting a certification in lieu of monitoring pursuant to § 469.13 (c) and (d) of this regulation must implement the solvent management plan approved by the control authority.

§ 469.26 New source performance standards (NSPS).

Any new source subject to this subpart must achieve the following new source performance standards (NSPS):

SUBPART B—ELECTRONIC CRYSTALS NSPS EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter(mg/l)	
TTO [1]	1.37	[3]
Arsenic(T) [2]	2.09	0.83
Fluoride(T)	32.0	17.4
TSS	61.0	23.0
pH	[4]	[4]

[1] Total toxic organics.
[2] Not applicable.
[3] The arsenic(T) limitation only applies to manufacturers of gallium or indium arsenide crystals.
[4] Within the range of 6.0 to 9.0.

§ 469.27 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS):

(a)

SUBPART B—ELECTRONIC CRYSTALS PSNS EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	[2]
Arsenic (T) [3]	2.09	0.83

[1] Total toxic organics.
[2] Not applicable.
[3] The arsenic (T) limitation only applies to manufacturers of gallium or indium arsenide crystals.

(b) A new source submitting a certification in lieu of monitoring pursuant to § 469.13(c) and (d) of this regulation must implement the solvent management plan approved by the control authority.

§ 469.28 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT).

Except as provided in 40 CFR 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT):

SUBPART B—ELECTRONIC CRYSTALS BCT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TSS	61.0	23.0
pH	[1]	[1]

[1] Within the range of 6.0 to 9.0.

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federal register

Friday
April 8, 1983

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arizona:	
AZ83-5102	Mar. 4, 1983.
AZ83-5105	Do.
AZ83-5107	Mar. 18, 1983.
Indiana:	
IN83-2026	Mar. 25, 1983.
Illinois:	
IL83-2014	Mar. 4, 1983.
IL83-2017	Mar. 11, 1983.
Louisiana:	
LA82-4021	May 7, 1982.
LA82-4053	Nov. 5, 1982.
LA83-4001	Jan. 7, 1983.
Massachusetts:	
MA83-3004	Apr. 1, 1983.
Michigan:	
MI83-2015	Mar. 11, 1983.
MI83-2018	Do.
MI83-2007	Feb. 11, 1983.
Montana:	
MT81-5138	Aug. 7, 1981.
North Dakota:	
ND81-5131	July 6, 1981.
Oklahoma:	
OK83-4011	Jan. 14 1983.
OK82-4035	June 25, 1982.
OK83-4012	Jan. 14, 1983.
Oregon:	
OR83-5100	Feb. 18, 1983.
Ohio:	
OH83-2006	Feb. 11, 1983.
OH83-2010	Do.
Texas:	
TX81-4064	Aug. 7, 1981.
TX82-4025	June 18, 1982.
TX82-4054	Nov. 5, 1982.
TX83-4004	Jan. 7, 1983.
TX83-4006	Do.
TX83-4007	Do.
Tennessee:	
TN82-2056	Nov. 19, 1982.
Utah:	
UT83-5108	Mar. 25, 1983.
Washington:	
WA82-5117	Aug. 13, 1982.

Supersedeas Decisions To General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Colorado:	
CO83-5109 (CO81-5148)	Sept. 4, 1981.
Florida:	
FL79-1117 (FL83-1018)	Aug. 17, 1979.
Kentucky:	
KY80-1115 (KY83-1019)	Oct. 31, 1980.
Illinois:	
IL82-2025 (IL83-2034)	Apr. 2, 1982.
IL81-2055 (IL82-2035)	Aug. 28, 1981.
Indiana:	
IN82-2030 (IN83-2029)	May 14, 1982.
Maryland:	
MD81-3021 (MD83-3006)	Mar. 27, 1981.
Oklahoma:	
OK82-4057 (OK83-4027)	Nov. 12, 1982.
Pennsylvania:	
PA82-3026 (PA83-3006)	Sept. 3, 1982.
Texas:	
TX82-4046 (TX83-4026)	Oct. 1, 1982.

Signed at Washington, D.C., this 1st day of April 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NO. AZ83-5102 - Mod. #1
(48 FR 9424 - March 4, 1983)
Maricopa County, Arizona

Change:	Basic Hourly Rates	Fringe Benefits
Carpenters:		
Carpenters; Saw Filer; Shingler; and Drywall; Hangers	$13.665	$2.53
Floor Layer & Piledriver	14.01	2.53
Cement Masons:		
Cement Masons	13.66	2.40
Concrete Troweling, Sawing and Scoring, Curb and Gutter, Grinding Machine Operator; Clary and similar type of power screed; Color pigment; Steps- Composition Finisher	13.86	2.40
Power Equipment Operators:		
Group 1	9.31	2.78
Group 2	11.41	2.78
Group 3	11.90	2.78
Group 4	12.47	2.78
Group 5	13.16	2.78
Group 6	13.84	2.78
Group 7	14.23	2.78
Group 8	14.66	2.78
Group 9	15.44	2.78
Truck Drivers:		
Group 1	10.95	2.52
Group 2	11.12	2.52
Group 3	11.40	2.52
Group 4	11.85	2.52
Group 5	12.05	2.52
Group 5A	12.30	2.52
Group 6	12.47	2.52
Group 7	12.99	2.52
Group 8	13.665	2.52
Group 8A	14.65	2.52
Group 8B	14.10	2.52

DECISION NO. AZ83-5105 - Mod. #1
(48 FR 9426 - March 4, 1983)
Pima County, Arizona

Change:	Basic Hourly Rates	Fringe Benefits
Carpenters:		
Carpenters; Saw Filers; and Shinglers	$13.665	$2.53
Floor Layer and Piledriver	14.01	2.53
Power Equipment Operators:		
Group 1	9.31	2.78
Group 2	11.41	2.78
Group 3	11.90	2.78
Group 4	12.47	2.78
Group 5	13.16	2.78
Group 6	13.84	2.78
Group 7	14.23	2.78
Group 8	14.66	2.78
Group 9	15.44	2.78
Truck Drivers:		
Group 1	10.95	2.52
Group 2	11.12	2.52
Group 3	11.40	2.52
Group 4	11.85	2.52
Group 5	12.05	2.52
Group 5A	12.30	2.52
Group 6	12.47	2.52
Group 7	12.99	2.52
Group 8	12.665	2.52
Group 8A	14.65	2.52
Group 8B	14.10	2.52

Modification Page 2

DECISION NO. AZ83-5107 - Mod. #1
(47 FR 11605 - March 18, 1983)
Statewide, Arizona

Change:	Basic Hourly Rates	Fringe Benefits
Carpenters:		
Northern Area:		
Carpenters; Saw Filer	$15.79	$2.53
Piledrivermen	16.135	2.53
Central & Southern Areas:		
Carpenters; Saw Filer	13.665	2.53
Piledriver	14.01	2.53
Cement Masons:		
Zone 1:		
Northern Area:		
Cement Masons	15.785	2.40
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine	15.985	2.40
Central & Southern Areas:		
Cement Masons	13.66	2.40
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine	13.86	2.40
Zone 2:		
Cement Masons	13.59	2.47
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine; Clary and similar type or power Screed Operator	13.79	2.47
Power Equipment Operators:		
Area 1:		
Group 1	11.435	2.78
Group 2	13.535	2.78
Group 3	14.025	2.78
Group 4	14.595	2.78
Group 5	15.285	2.78
Group 6	15.965	2.78
Group 7	16.355	2.78
Group 8	16.785	2.78
Group 9	17.565	2.78
Power Equipment Operators:		
Area 2:		
Group 1	$ 9.31	$2.78
Group 2	11.41	2.78
Group 3	11.90	2.78
Group 4	12.47	2.78
Group 5	13.16	2.78
Group 6	13.84	2.78
Group 7	14.23	2.78
Group 8	14.66	2.78
Group 9	15.44	2.78
Truck Drivers:		
Area 1:		
Group 1	13.075	2.52
Group 2	13.245	2.52
Group 3	13.525	2.52
Group 4	13.975	2.52
Group 5	14.175	2.52
Group 5A	14.425	2.52
Group 6	14.595	2.52
Group 7	15.115	2.52
Group 8	15.79	2.52
Group 8A	16.775	2.52
Group 8B	16.225	2.52
Area 2:		
Group 1	10.95	2.52
Group 2	11.12	2.52
Group 3	11.40	2.52
Group 4	11.85	2.52
Group 5	12.05	2.52
Group 5A	12.30	2.52
Group 6	12.47	2.52
Group 7	12.99	2.52
Group 8	13.665	2.52
Group 8A	14.65	2.52
Group 8B	14.10	2.52

Decision No. IN83-2026
Mod #1
(48 FR 12642 - March 25, 1983)
Clay, Daviess, Gibson, Greene, Knox, Martin, Parke Pike, Posey, Putnam, Sullivan, Vanderburg, Vermillion & Vigo Counties

Change:

	Basic Hourly Rates	Fringe Benefits
Bricklayers; Caulkers; Pointers; Cleaners & Stonemasons:		
Area 1	$16.73	2.48
Carpenters:		
Area 5		
Carpenters	14.97	2.00
Piledrivers	15.22	2.00
Cement Masons:		
Area 2	13.80	1.60
Area 4	14.85	2.10
Ironworkers:		
Area 1	17.85	2.21
Millwrights:		
Area 3	17.79	2.10
Painters:		
Area 4		
Brush & Roller	14.70	1.50
Spray	15.70	1.50
Drywall Tapers	14.95	1.50
Plasterers:		
Area 3	16.38	
Plumbers & Steamfitters:		
Area 2	19.92	2.20
Laborers:		
Area 1		
Group 1	11.63	1 94
Group 2	11.83	1.94
Group 3	11.93	1.94
Group 4	12.63	1.94
Area 2		
Group 1	12.65	1.94
Group 2	12 85	1.94
Group 3	12.95	1.94
Group 4	13.65	1.94
Roofers:		
Area 3		
Composition & Water-proofers	15.08	2.40
Slate, Tile, Concrete Slab & Gypsum	15.83	2.40

DECISION NO. IL83-3014 & MOD. #1
(48 FR 9432 - March 4, 1983)
Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry, & Will Counties, Illinois

Change:

	Basic Hourly Rates	Fringe Benefits
Ironworkers:		
DeKalb (Rem. of Co.) DuPage (Except Argonne & Vic.), Kane, Kendall (N. part), & McHenry (S.E. ¼ of Co.) Cos.	$19.75	$2.255

DECISION NO. IL83-2017 - MOD. #1
(48 FR 10572 - March 11, 1983)
DuPage, Grundy, Kane, Kendall, Lake, McHenry, & Will Counties, Illinois

Change:

	Basic Hourly Rates	Fringe Benefits
Carpenters; Millwrights; Piledrivermen; & Soft Floor Layers:		
Kane, Kendall & McHenry Cos.	14.00	2.40
Ironworkers:		
DuPage (Rem. of Co.), Kane, Kendall (N. part), & McHenry (SE ¼) Cos.	19.75	2.255

DECISION NO. LA82-4021 - MOD. #8
(47 FR 19877 - 5/7/82)
Bossier & Caddo Pars., Louisiana

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Electricians:		
Electricians	$15.25	2.40+4%
Cable splicers	15.75	2.40+4%

DECISION NO. LA82-4053 - MOD. #9
(47 FR 50421 - 11/5/82)
Statewide Louisiana

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Asbestos workers:		
Zone 3	15.10	2.42
Electricians:		
Zone 7 - Electricians	15.25	2.40+4%
Cable splicer	15.75	2.40+4%
Line construction:		
Zone 7:		
Linemen, operators	15.25	2.40+ 3-3/4%
Cable splicers	15.75	"
Groundmen	12.65	"
Painters:		
Zone 3 - Group 1	13.235	2.115
Group 2	13.61	2.115
Group 3	15.535	2.115
Plasterers - Zone 6	11.00	.01

DECISION NO. LA83-4001 - MOD. #3
(48 FR 928 - 1/7/83)
Jefferson, Orleans, Bossier, Caddo, Calcasieu, Beauregard, Cameron, Jefferson Davis, Allen, Plaquemines, St. Bernard & St. Charles Pars., Louisiana

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Electricians:		
Zone 2 - Electricians	15.25	2.40+4%
Cable splicer	15.75	2.40+4%
Line construction:		
Zone 2 - Group 1	15.25	2.40+ 3-3/4%
Group 2	15.75	"
Group 3	12.65	"
Painters:		
Zones 1,6,7 & 8:		
Group 1	13.235	2.115
Group 2	13.61	2.115
Group 3	15.535	2.115

DECISION NO. MA83-3004 - MOD. #1
(Federal Register of April 1, 1983)
BERKSHIRE, FRANKLIN, HAMPDEN AND HAMPSHIRE, MASSACHUSETTS

CHANGE:

	Basic Hourly Rates	Fringe Benefits
CARPENTERS, SOFT FLOOR LAYERS, DRYWALL CARPENTERS:		
HAMPDEN; HAMPSHIRE (South Hadley, Granby, Belchertown, Amherst, Pelham); FRANKLIN (Leverett, Shutesbury, Suderland)	14.90	2.72
FRANKLIN (Erving, Warwick, Orange, North Orange	15.81	3.52
ELECTRICIANS:		
HAMPDEN (Remainder of County); HAMPSHIRE (Belchertown, Ware)	14.95	3.31+ 3%
PAINTERS:		
Brush and taper	13.56	2.59
Spray and sandblasting	17.43	2.59
Swing stage and steel riding under 40'	13.75	2.59
Swing stage and steel riding over 40'	14.06	2.59

DECISION #MI83-2015 - Mod. #1
(48 FR 10579 - March 11, 1983)
Allegan, Barry, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Lenawee, St. Joseph, & Van Buren Counties, Michigan

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Carpenters, Piledrivermen, & Soft Floor Layers:		
Remainder of Counties:		
Soft floor layers	$11.59	2.11
Painters:		
Remainder of Counties:		
Brush, roller, drywall (hand)	14.20	1.7525
Paperhangers	14.55	1.7525
Structural steel & towers	14.60	1.7525
Spray, sandblast, drywall (machine)	14.95	1.7525

DECISION #MI83-2018 - Mod. #1
(48 FR 10582 - March 11, 1983)
Alcona, Allegan, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Midland, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, & Wexford Counties, Michigan

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Ironworkers:		
Remainder of Counties	$15.12	2.91

DECISION #MI83-2007 - Mod. #1
(48 FR 6454 - February 11, 1983)
Macomb, Monroe, Oakland, Washtenaw, & Wayne Counties, Michigan

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Carpenters, Piledrivermen:		
Washtenaw County:		
Building Work	$15.82	2.15
Residential Work	11.87	2.15
Soft floor layers:		
Washtenaw County:		
Building Work	15.82	2.15
Residential Work	11.87	2.15
Electricians:		
Remainder of Area:		
Building Work	17.80	3%+3.71
Residential Work	14.40	3%+2.90
Line Construction:		
Remainder of Area:		
Linemen & technicians	17.36	11⅓% + 2.05
Cable splicers	18.12	"
Combination equipment operators & groundmen	13.94	"
Combination truck driver & groundmen	13.12	"
Groundmen	12.09	"

DECISION NO. MT81-5138 - Mod. #8
(46 FR 40439 - August 7, 1981)
Statewide, Montana

Add:	Basic Hourly Rates	Fringe Benefits
Power Equipment Operators:		
Screper, Single Engine	$13.44	2.94

DECISION NO. ND81-5131 - Mod. #4
(46 FR 35008 - July 6, 1981)
Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Traill, Walsh and Ward Counties, North Dakota

Change:	Basic Hourly Rates	Fringe Benefits
Ironworkers:		
Structural, Ornamental, Reinforcing	$14.13	3.96

DECISION #OK83-4011-Mod.#5
(48 FR 1913-January 14, 1983)
Adair, Atoka, Bryan, Coal, Cherokee, Craig, Creek, Delaware, Haskell, Hughes, Leflore, Latimer, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Pittsburg, Pushmataha, Rogers, Tulsa, Sequoyah, Wagoner & Washington Cos., Oklahoma

DELETE:
Laborers
Area 4 Washington County

ADD:
Washington County to Laborers Area I (area definition)

	Basic Hourly Rates	Fringe Benefits
Lathers		
Area 3	$12.42	$1.64
Lathers Area 3 (area definition) Ottawa County		
CHANGE:		
Glaziers		
Area 3	13.63	1.01

DECISION #OK82-4035-Mod.#5
(47 FR 27683-June 25, 1982)
Tulsa, Delaware, Creek, Craig Mayes, & Rogers Cos., OK

Disregard Mod. #4 of decision #OK82-4035 in Volume 48 FR 9430, dated March 4, 1983 because Decision OK82-4035 was superseded by Decision OK83-4011 on January 14, 1983.

DECISION #OK83-4012-Mod.#4
(48 FR 1916-January 14, 1983)
Alfalfa, Beckham, Blaine, Caddo, Canadian, Carter, Cleveland, Comanche, Cotton Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Oklahoma, Payne, Pontotoc, Roger Mills, Pottawatomie, Seminole, Stephens, Tillman, Washita, Woods & Woodward Cos., OK.

CHANGE:	Basic Hourly Rates	Fringe Benefit
Ironworkers		
Area 2	$13.125	$2.95
Area 4	15.15	2.92
Area 5	15.29	1.14

Modification Page 7

DECISION NO. OR83-5100-Mod.#2
(48 FR 7379 Feb. 18, 1983)
Statewide Oregon

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
TIMBER SALES ROADS:		
Operating Engineer	$10.37	$4.15
Teamster	9.74	3.74
Laborer	8.55	4.30
Power Saw, Driller, Powderman	9.12	4.30
ZONE DESCRIPTIONS FOR LABORERS AND TRUCK DRIVERS (POWER EQUIPMENT OPERATORS UNCHANGED)		
CITIES: Albany, Astoria, Baker, Bend, Bingen, Brookings, Burns, Coos Bay, Corvallis, Eugene, Goldendale, Grants Pass, Hermiston, Hood River, Klamath Falls, La Grande, Lakeview, Longview, Madras, Medford, McMinnville, Vancouver, Oregon City, Newport, Ontario, Pendleton, Portland, Port Orford, Reedsport, Roseburg, The Dalles, Tillamook		
ZONE 1: Projects within 30 Miles of City Hall in the Cities above.		
ZONE 2: More than 30 but less than 40 miles		
ZONE 3: More than 40 but less than 50 miles		
ZONE 4: More than 50 but less than 60 miles		
ZONE 5: More than 60 miles. (Zone 6 is discontinued)		
ADD:		
Laborers:		
Group 5: Landscaping or planting laborer; Fence Builder (includes Guard Rail, Median Rail, Reference Post, Guide Post, Right-of-Way Marker)	8.00	4.30
OMIT:		
Zone Differential: Zone 6 - $3.55 (Laborers and Truck Drivers only)		
Laborers: Group 1: Omit the following classifications which are now included in Group 5: Fence Builder (including Guard Rail, Median Rail, Reference Post, Right-Of-Way marker); Landscaping or Planting Laborers.		

	Basic Hourly Rates	Fringe Benefits
ADD:		
LINE CONSTRUCTION:		
ZONE DEFINITIONS:		
(Add to Zone 2): 3 to 20 miles radius from Seattle, Tacoma, Portland, & Medford		

DECISION NO. OH83-2006 - MOD. #2
(48 FR 6459 - February 11, 1983)
Statewide, Ohio

	Basic Hourly Rates	Fringe Benefits
Change:		
Ironworkers:		
Area 9	$15.33	$3.15

DECISION NO. OH83-2010 - MOD. #4
(48 FR 6469 - February 11, 1983)
Adams, Allen,...Wood & Wyandot Counties, Ohio

	Basic Hourly Rates	Fringe Benefits
Change:		
Ironworkers:		
Meigs, Morgan, Noble, & Washington Cos.	15.33	3.15

Modification Page 8

DECISION NO. TX81-4064 - MOD. #9
(46 FR 40487 - 8/7/81)
El Paso County, Texas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayers	$10.25	1.47
Ironworkers	12.45	2.95
Sheet metal workers	13.80	1.55+3%

DECISION NO. TX82-4025 - MOD. #7
(47 FR 26550 - 6/18/82)
Brazos County, Texas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers	17.71	3.20

DECISION NO. TX82-4054 - MOD. #5
(47 FR 50430 - 11/5/82)
Collin,Dallas,Denton, Ellis,Grayson,Hood,Hunt, Johnson,Kaufman,Palo Pinto,Rockwall,Tarrant & Wise Cos., Texas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayer & stonemason: Zone 2	15.57	2.11
Marble,tile & terrazzo workers(excl.Ellis Co)	14.42	1.47
Sheet metal workers: Zone 1	16.455	2.06

DECISION NO. TX83-4004 - MOD. #6
(48 FR 936 - 1/7/83)
Galveston & Harris Cos., Texas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers	17.71	3.20
Lathers(Harris Co.only)	15.62	1.08
Painters:		
East Harris Co.:		
Group 1	18.33	
Group 2	18.685	
Group 3	18.425	
Group 4	18.58	
Group 5	18.725	
Group 6	18.99	

DECISION NO. TX83-4006 - MOD. #4
(48 FR 933 - 1/7/83)
Travis County, Texas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayer & stonemason	$14.74	2.21

DECISION NO. TX83-4007 - MOD. #4
(48 FR 932 - 1/7/83)
Wichita County, Texas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters:		
Carpenters	13.45	2.08
Millwrights	13.95	2.08

DECISION NO. TN82-2056 - MOD. #3
(47 FR 51311 - November 18, 1982)
Hamilton, Marion, Polk, and Rhea Counties, Tennessee

	Basic Hourly Rates	Fringe Benefits
Change:		
Carpenters, Carpet Layers & Soft Floor Layers & Lathers	$12.93	1.63
Piledrivermen	13.05	1.63

DECISION NO. UT83-5108 - Mod. #1
(48 FR 12851 - March 25, 1983)
Statewide, Utah

	Basic Hourly Rates	Fringe Benefits
Omit:		
Bricklayers as originally issued		
Add:		
Bricklayers:		
Industrial (power plants, refineries, smelters and industrial refractory projects	$13.25	$1.57
All other work	10.80	1.57

Modification Page 9

DECISION NO. WA82-5117 - Mod #9
(47 FR 35433 - August 13, 1982)
Statewide Washington

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS:		
Area 3	$20.38	$2.80
BRICKLAYERS:		
Area 7	17.11	3.18
ELECTRICIANS:		
Area 3: (fringes)		3%+4.13
PLUMBERS:		
Area 5	19.25	6.32
LABORERS (AREA 3)		
Base Rate (Zone 1):		
Group 1	13.59	
Group 2	13.94	3.55
Group 3	14.24	3.55
Group 4	14.48	3.55
ZONE DESCRIPTIONS (AREA 3)		
Laborers and Truck Drivers only		
CITIES: Astoria, Bingen, Goldendale, Longview, Portland, The Dalles, Vancouver.		
ZONE 1: Projects within 30 miles of City Hall in the cities above.		
ZONE 2: More than 30 but less than 40 miles.		
ZONE 3: More than 40 but less than 50 miles		
ZONE 4: More than 50 but less than 80 miles.		
Zone 5: More than 80 miles. (Zone 6 is discontinued)		
OMIT:		
Zone Differential (Area 3)		
Laborers and Truck Drivers Zone 6 - $3.55		
LABORERS (AREA 3):		
Group 1: Omit the following classifications which are now included in Group 5:		
Fence Builder (Including Guard Rail, Median Rail, Reference Post, Right-of-Way Marker); Landscaping or planting Laborers		
ADD:		
LABORERS (AREA 3):		
Group 5:		
Landscaping or planting laborer; Fence Builder (Includes Guard Rail, Median Rail, Reference Post, Guide Post, Right-of-Way Marker)	8.00	3.55

	Basic Hourly Rates	Fringe Benefits
ADD:		
LINE CONSTRUCTION:		
ZONE DEFINITIONS:		
(Add to Zone 2):		
5 to 20 miles radius from Seattle, Tacoma, Portland, and Medford		

SUPERSEDEAS DECISION

STATE: Colorado
DECISION NUMBER: CO83-5109
Supersedes Decision No. CO81-5149 dated September 4, 1981, in 46 FR 44620
DESCRIPTION OF WORK: Heavy and Highway Projects

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits
CARPENTERS:		
Carpenters:		
Zone 1	$14.33	$3.36
Zone 2	14.83	3.36
Underground Carpenters:		
Zone 1	14.53	3.36
Zone 2	15.03	3.36
Working on creosoted coated lumber or other toxic materials, Sawmen continuously assigned to 1½HP saw at job site - $0.30 above journeyman rate		
High work 35' above ground or above permanent floor or deck - $0.35 above journeyman rate		
CEMENT MASONS	13.66	3.52
ELECTRICIANS:		
Area 1:		
Electricians	16.85	2.10+ 3-3/10%
Cable Splicers	17.10	2.10+ 3-3/10%
Area 2:		
Electricians	16.00	1.50+ 4%
Cable Splicers	16.25	1.50+ 4%
Area 3:		
Contracts over $100,000.00:		
Electricians	15.49	2.00+ 4½%
Cable Splicers	17.04	2.00+ 4½%
Electricians on electrical contracts less than $100,000.00	11.50	1.80+ 4½%
Area 4:		
Electricians	16.12	2.06+ 3%

	Basic Hourly Rates	Fringe Benefits
IRONWORKERS:		
Structural, Ornamental, and Reinforcing	$16.25	$3.01
LINE CONSTRUCTION:		
Cable Splicers	18.50	1.40+ 3-3/4%
Journeyman Lineman	17.36	1.40+ 3-3/4%
Line Equipment Maintenance Man	14.62	1.46+ 3-3/4%
Line Equipment Operator, Class 1:		
Crawler Equipment, Wire equipment, Pullers, Tensioners, Cranes, Heavy Pole Trucks (such as diesel, twin screws), all Bucket Trucks, all Trenchers, Bobcats, all Trucks over 15,000 lbs. empty weight	14.68	1.40+ 3-3/4%
Line Equipment Operators, Class 2:		
Trucks under 3 tons, C.T.M. classification	13.05	1.40+ 3-3/4%
Groundman	11.90	1.40+ 3-3/4%
PAINTERS:		
Area 1:		
Brush	15.89	2.33
Spray, Swing Stage	16.49	2.33
Area 2:		
Brush	11.20	1.88
Spray, Swing Stage	11.80	1.88
Area 3:		
Brush	12.19	1.88
Spray, Swing Stage	12.79	1.88

	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2
LABORERS:		
Group 1	$9.95	$10.45
Group 2	10.05	10.55
Group 3	10.35	10.85
Group 4	10.50	11.00
Group 5	10.70	11.20
Group 6	10.75	11.25
TUNNEL LABORERS:		
Group 1	9.95	10.45
Group 2	10.85	11.35
Group 3	10.95	11.45
Group 4	11.03	11.53
Group 5	11.10	11.60
Group 6	12.00	12.50
(Shafts, Raises, Missile Silos and all underground work other than Tunnels):		
Group 1	10.95	11.45
Group 2	11.10	11.60
Group 3	11.20	11.70
Group 4	11.40	11.90
Group 5	11.53	12.03
Group 6	12.13	12.63
FRINGE BENEFITS: $2.69		

	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2
POWER EQUIPMENT OPERATORS: (Other than for work in Tunnels, Shafts, and Shafts):		
Group 1	$13.40	$14.15
Group 2	13.75	14.50
Group 3	14.10	14.85
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.55	15.30
(For work in Tunnels, Shafts, and Raises):		
Group 1	13.65	14.30
Group 2	13.90	14.65
Group 3	14.00	14.75
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.80	15.55
Group 7	14.55	15.30
FRINGE BENEFITS: $3.20		
TRUCK DRIVERS:		
Group 1	12.91	13.41
Group 2	13.01	13.51
Group 3	13.11	13.61
Group 4	13.16	13.66
Group 5	13.21	13.71
Group 6	13.26	13.76
Group 7	13.31	13.81
Group 8	13.36	13.86
Group 9	13.46	13.96
Group 10	13.51	14.01
Group 11	13.61	14.11
Group 12	13.76	14.26
Group 13	13.81	14.31
Group 14	13.91	14.41
Group 15	14.01	14.51
Group 16	14.11	14.61
Group 17	14.21	14.71
Group 18	14.41	14.91
FRINGE BENEFITS: $2.64		

ZONE DESCRIPTIONS

CARPENTERS:

Counties entirely within Zone 1:

Adams	Crowley	Gilpin	Morgan
Alamosa	Custer	Huerfano	Otero
Arapahoe	Delta	Jefferson	Phillips
Arcbuleta	Denver	La Plata	Prowers
Bent	Douglas	Lake	Pueblo
Boulder	Eagle	Larimer	Rio Grande
Chaffee	El Paso	Las Animas	Sedgwick
Clear Creek	Elbert	Logan	Teller
Conejos	Fremont	Mesa	Weld
Costilla	Garfield	Montezuma	

Counties entirely within Zone 2:

Baca	Jackson	Moffat	Routt
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lincoln	Pitkin	Summit
Gunnison	Mineral	Rio Blanco	Yuma
Hinsdale			

Legal description of the portions of Montrose, Saguache, and Washington Counties which are included within Zone 1, as follows:

All of Montrose County lying Northerly of the North Line of Ouray County and said North Line extended to the Township Line between R11W and R12W, said part being East of said Township Line of the New Mexico Principal Meridian and the Eastern portion of Saguache County; from Highway #285 to the Town of Saguache, and Highway #114 to the County Line, and all of Washington County lying North of the 40°00'00" Latitude Base Line

Legal description of the portions of Montrose, Saguache and Washington Counties which are included within Zone 2, as follows:

All of Montrose County except that part lying Northerly of the North Line of Ouray County and said North Line extended West to the Township Line between R11W and R12W, said point being East of said Township Line of the New Mexico Principal Meridian and the Western portion of Saguache County; from Highway #285 to town of Saguache and Highway #114 to County Line, and all of Washington County lying South of the 40°00'00" Latitude Base Line.

ZONE DESCRIPTIONS (Cont'd)

ELECTRICIANS:
Area 1: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld, and Yuma Counties
Area 2: Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Routt, San Juan, and San Miguel Counties
Area 3: Alamosa, Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande, and Saguache Counties
Area 4: Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park, and Teller Counties

PAINTERS:
Area 1: Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan; Park County (northern half); Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington, and Weld Counties
Area 2: Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueblo Counties
Area 3: Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray; Park County (southern half); Rio Grande, Saguache, San Juan, San Miguel, and Teller Counties

LABORERS

Zone 1: The area encompassed by 15 driving miles from the Main Post Office at Craig, Steamboat Springs, and Meeker. Also, included are all other Counties not outlined in Zone 2.
Zone 2: The Counties of Jackson, Moffat, Rio Blanco and Routt

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

LABORERS (Cont'd)

Group 2: Chuck Tenders, Nippers, Core, and Diamond Drill Tenders, Powdermen Tenders; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torch on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than Gang Saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension Prestressed Concrete on or off jobsite; Cement Finisher Tender; Sand Blaster; Concrete processing material; Monitor; Spotters; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frost proofing; Any Laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as safety requirement. (All lines and safety belts used shall be of a type approved by State and Federal Laws); Gunniting and Shotcrete Tenders; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form Setters and/or Stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in Trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphones, drainage lines, Caulkers, Yarners, Pine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on trunk pipe lines in connection with highway work; Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jackhammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal Laws; Pugs and Galleys in Dams

Group 6: Mason Tenders, Brick and Plaster .

LABORERS (TUNNEL) (Cont'd)

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Tenders on Shotcrete, Gunniting and Sand Blasting; Tenders, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Tender, applying of concrete processing materials

Group 6: Collapsible Form Movers and Setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete Placement Men

(Shafts, Raises, Missile Silos and All Underground Work other than Tunnels)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

Group 3: Tenders in Shotcrete Gunniting and Sand Blasting; Tenders on Core and Diamond Drills; Pot Tenders; Cement Finisher Tenders, applying concrete processing materials

Group 4: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 5: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal Laws

Group 6: Collapsible Form Movers and Setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel) support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Tender to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments Grade Checker; Compressors, 360 C.F.M. or less

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, Rotary, Churn, or Cable Tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, truck mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer Mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mucking Machines and Front End Loaders, underground, Slusher; Mine Hoist Operator

Group 6: Mole

Group 7: Mechanic - Welder, heavy duty

TRUCK DRIVERS

Group 1: Pickups; Dumpmen

Group 2: Dump Trucks, to and including 6 cu. yds.; Sweepers; Flat Rack, single axle; Liquid and Bulk Tankers, single axle

Group 3: Dump Trucks, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack; Tandem Axle; Battery Men; Mechanics' Tenders; Man Haul Shuttle Truck or Bus

Group 4: Straddle Truck; Lumber Carrier; Liquid and Bulk Tankers, tandem axle

Group 5: Fork Lift Driver; Fuel Truck; Grease Truck; Combination Fuel and Grease

Group 6: Distributor Truck Driver; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination

Group 7: Multi-purpose Truck; Specialty and Hoisting

Group 8: Dump Trucks, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, electric or similar; Truck Drivers; Dumptor type Youngbuggy, Jumbo and similar type equipment

Group 9: Truck Driver, Snow Plow

TRUCK DRIVERS (Cont'd)

Group 10: Cement Mixer, Agitator Truck, over 10 cu. yds. to and including 15 cu. yds.

Group 11: Dump Trucks, over 29 cu. yds. to and including 39 cu. yds.

Group 12: Cement Mixer, Agitator Truck, over 15 cu. yds.

Group 13: Dump Trucks, over 39 cu. yds. to and including 54 cu. yds.; Tireman

Group 14: Mechanic

Group 15: Dump Trucks, over 54 cu. yds. to and including 79 cu. yds.

Group 16: Heavy Duty Diesel, Mechanics, Body Men, Welders or Combination Men

Group 17: Dump Trucks, over 79 cu. yds. to and including 104 cu. yds.

Group 18: Dump Trucks, over 104 cu. yds.

ZONE DEFINITONS
POWER EQUIPMENT OPERATORS and TRUCK DRIVERS:

Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	La Plata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

ZONE DEFINITIONS (Cont'd)
POWER EQUIPMENT OPERATORS and TRUCK DRIVERS (Cont'd)

Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose, and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert, and Las Animas Counties lying west of the Township Line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township Line between R80W and R81W of the 10th Guide Meridian West. All of Montrose County lying east of said Township Line of the New Mexico Principal Meridian and all of Washington County lying north of the 40°00'00" Latitude Base Line

Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose, and Washington Counties which are included within Zone 2, as follows:

All of Adams, Arapahoe, Elbert, and Las Animas Counties lying east of the Township Line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township Line between R80W and R81W of the 9th Guide Meridian West, and all of Montrose County except that part lying Northerly of the North Line between R11W and R12W, said point being East of said Township Line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: FLORIDA COUNTIES: OKALOOSA & WALTON
DECISION NUMBER: FL83-1018 DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL79-1117 dated August 17, 1979 in 44 FR 48550.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANIC	$ 8.97	1.52
BRICKLAYERS	9.00	
CARPENTERS	7.22	
CEMENT MASONS	6.62	
DRYWALL FINISHERS	8.50	
DRYWALL HANGERS	8.09	
ELECTRICIANS	9.80	.85+ 5%
GLAZIERS	8.86	.35
INSULATION INSTALLERS(Batt or Blown)	6.00	
IRONWORKERS	6.62	
LABORERS:		
Mason Tenders	4.39	
Unskilled	4.39	
PAINTERS	6.00	
PLASTERERS	10.50	
PLUMBERS & PIPEFITTERS	7.94	
ROOFERS	5.25	
SHEET METAL WORKERS	$ 8.54	
SOFT FLOOR LAYERS	7.66	
SPRINKLER FITTERS	9.07	
TILE SETTERS	8.30	
TRUCK DRIVERS	5.52	
WELDERS--Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Backhoe	6.00	
Bulldozer	5.00	
Motor Grader	7.50	
Piledriver	4.90	
Roller	9.04	
Spreader	8.13	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: ESTILL, GARRARD, JACKSON, LEE, LINCOLN, MADISON, & OWSLEY.
DECISION NUMBER: KY83-1019 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY80-1115, dated October 31, 1980, in 45 FR 72441.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 6.00	
BRICK & BLOCK MASONS	8.00	
CARPENTERS	5.76	
CEMENT MASONS	5.80	
DRYWALL FINISHERS	6.00	
DRYWALL HANGERS	7.58	
ELECTRICIANS	6.00	
INSULATION INSTALLERS	5.71	
LABORERS - GENERAL	4.54	
PAINTERS	6.26	
PLUMBERS & PIPEFITTERS	7.07	
ROOFERS	5.00	
SHEET METAL WORKERS	5.50	
SOFT FLOOR LAYERS	6.69	
TRUCK DRIVERS	4.75	
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 6.40	
Bulldozer	6.60	
Front end loader	6.00	
Paver	6.13	
Roller	6.00	

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: ILLINOIS
DECISION NUMBER: IL83-2034
COUNTIES: *SEE BELOW
DATE: Date of Publication
Supersedes Decision No. IL82-2015, dated April 2, 1982 in 47 FR 14341
DESCRIPTION OF WORK: Heavy and Highway Construction Projects (Including Dredging)

*FORD, GRUNDY, IROQUOIS, KANKAKEE, LASALLE, LIVINGSTON, MCLEAN, MARSHALL, PUTNUM & WOODFORD

	Basic Hourly Rates	Fringe Benefits
CARPENTERS:		
AREA 1	$15.855	$2.13
AREA 2	17.66	1.80
AREA 3	19.10	2.59
AREA 4	15.88	2.71
AREA 5	15.65	2.82
AREA 6	15.58	2.82
CEMENT MASONS:		
AREA 1	16.775	.575
AREA 2	17.31	3.35
AREA 3	16.35	3.00
AREA 4	16.10	1.25
AREA 5	16.79	.92
AREA 6	15.63	2.75
ELECTRICIANS:		
AREA 1	17.35	2.61
AREA 2:		
Joliet & Ottawa Area	17.68	3.09
Kankakee Area	16.88	3.06
AREA 3	17.57	1.72
AREA 4	16.60	2.09
AREA 5	17.33	2.31
AREA 6	17.32	2.50
IRONWORKERS:		
AREA 1	15.00	5.03
AREA 2	16.09	5.535
AREA 3	17.00	3.45
AREA 4	16.35	5.30
AREA 5	15.715	3.32
LINE CONSTRUCTION:		
AREA 1:		
Linemen	18.02	2.18
Groundmen-Equipment Ops., Class 1	16.81	2.08
Groundmen-Truck Drivers with Winch	13.77	1.74
Groundmen-Truck Drivers w/o Winch	12.82	1.67
Groundmen	11.46	1.62
AREA 2:		
Equipment Operators; Linemen	17.05	3.79
Groundmen	12.10	2.69

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
AREA 1:		
Brush	$15.35	$1.20
Spray; Steel	15.85	1.20
New Industrial Work	15.60	1.20
Airless Spray; Bridges	16.35	1.20
AREA 2:		
Bridges w/o Superstructure, Industrial Work under 40 ft.	15.05	2.10
Industrial Work 40 ft. or over from Ground Up; Bridges with a Superstructure or Lift type Bridges	15.55	2.10
AREA 3:		
Brush	12.80	2.30
Sandblasting	14.80	2.30
Spray	14.30	2.30
AREA 4:		
Brush	11.00	1.05
Sandblasting; Spray	12.00	1.05
AREA 5:		
Brush; Roller	15.75	1.40
Sandblasting; Spray	16.75	1.40
AREA 6:		
Brush; Steel; Bridges	13.00	
Work over 40 ft.	14.00	
AREA 7:		
Brush	15.50	1.73
Bridge & New Structural Steel; Pressure Roller; Sandblasting; & Spray	16.35	1.73
TRUCK DRIVERS:		
AREA 1:		
Group 1	14.325	1.15+a
Group 2	14.725	1.15+a
Group 3	14.925	1.15+a
Group 4	15.175	1.15+a
AREA 2:		
Group 1	14.875	1.15+a
Group 2	15.275	1.15+a
Group 3	15.475	1.15+a
Group 4	15.725	1.15+a
AREA 3:		
2-3 Axles	15.30	b
4 Axles	15.45	b
5 Axles	15.65	b
6 Axles	15.85	b

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS (CONT'D):		
AREA 4:		
2-3 Axles	$15.075	c&d
4 Axles	15.275	c&d
5 Axles	15.475	c&d
6 Axles	15.625	c&d
LABORERS:		
AREA 1:		
Unskilled	14.42	$1.70
Semi-Skilled	14.62	1.70
Skilled	14.82	1.70
AREA 2:		
Unskilled	13.72	2.40
Semi-Skilled	13.92	2.40
Skilled	14.12	2.40
AREA 3:		
Unskilled	13.50	2.62
Semi-Skilled	13.70	2.62
Skilled	13.90	2.62
AREA 4:		
Unskilled	13.72	2.40
Semi-Skilled	13.92	2.40
Skilled	14.13	2.40
AREA 5:		
Unskilled	13.52	2.295
Semi-Skilled	13.72	2.295
Skilled	13.92	2.295
AREA 6:		
Unskilled	14.27	1.545
Semi-Skilled	14.47	1.545
Skilled	14.67	1.545
AREA 7:		
Unskilled	13.47	2.345
Semi-Skilled	13.67	2.345
Skilled	13.87	2.345
AREA 8:		
Unskilled	12.47	3.345
Semi-Skilled	12.67	3.345
Skilled	12.87	3.345
AREA 9:		
Unskilled	13.23	2.345
Semi-Skilled	13.45	2.345
Skilled	13.65	2.345
AREA 10:		
Heavy & Highway Construction:		
Group 1	13.90	1.92
Group 2	13.975	1.92
Group 3	14.05	1.92
Group 4	14.175	1.92

	Basic Hourly Rates	Fringe Benefits
LABORERS (CONT'D):		
AREA 10 (Cont'd):		
Sewer & Tunnel Construction:		
Group 1	$13.90	$1.92
Group 2	14.015	1.92
Group 3	14.115	1.92
Group 4	14.25	1.92
POWER EQUIPMENT OPERATORS:		
AREA 1:		
Class 1	16.20	2.35
Class 2	16.10	2.35
Class 3	15.90	2.35
Class 4	9.25	2.35
AREA 2:		
Class 1	16.75	4.50
Class 2	16.20	4.50
Class 3	15.10	4.50
Class 4	13.80	4.50
Class 5	12.65	4.50
AREA 3:		
Group 1	16.74	2.35
Group 2	16.54	2.35
Group 3	15.59	2.35
Group 4	15.31	2.35
Group 5	13.88	2.35
DREDGING:		
McLean, Marshall, Putnam, & Woodford Cos.:		
GROUP 1	13.07	1.30
GROUP 2	12.87	1.30
GROUP 3	12.485	1.30
GROUP 4	12.22	1.30
GROUP 5	11.41	1.30

FOOTNOTES:
a. $51.00 Per Week Per Employee
b. $98.00 Per Week Per Employee
c. $90.50 Per Week Per Employee
d. 900 straight-time hours or more in any 1 calendar year for same employer - 1 week's paid vacation; 3 years - 2 weeks' paid vacation; less than the aforementioned - $.10 per hour

AREA DESCRIPTIONS

CARPENTERS:
AREA 1: Ford (Garber, Guthrie & Areas South thereof) Co.
AREA 2: Ford (Remainder of Co.), Iroquois, & Kankakee Cos.
AREA 3: Grundy & LaSalle (Marseilles & Vicinity) Cos.
AREA 4: LaSalle (Remainder of Co.), Marshall & Putnam Cos.
AREA 5: Livingston & McLean Cos.
AREA 6: Woodford Co.

CEMENT MASONS:
AREA 1: Ford Co.
AREA 2: Grundy Co.
AREA 3: Iroquois & Kankakee Cos.
AREA 4: LaSalle & Putnam Cos.
AREA 5: Livingston, McLean & Woodford (East of Roanoke) Cos.
AREA 6: Marshall & Woodford (Remainder of Co.) Cos.

ELECTRICIANS:
AREA 1: Ford (S. of Benton Twp.), Iroquois (Artesia, Pigeon Grove, & Lode Twps.), LaSalle (SE part), Livingston, McLean (Cropsey, Anchor, Cheney Grove, & Belleflower Twps.), Marshall (Roberts, Evans, Bell Plain, & Bennington Twps.), Putnam (Magnolia Twp.), & Woodford (Linn, Clayton, Minonk, Roanoke, Green, & Panola Twps.) Cos.
AREA 2: Ford (Remainder of Co.), Grundy, Iroquois (Exclu. Artesia, Pigeon Grove, Lode, Fountain Creek, Lovejoy & Prairie Green Twps.), Kankakee, LaSalle (N ½ & Central Southern part of Co.) Cos.
AREA 3: Iroquois (Fountain Creek, Lovejoy & Prairie Green Twps.) Co.
AREA 4: LaSalle (Deer Park, Eden, LaSalle, Peru, Utica, & Vermilion Twps.), & Putnam (Granville, Hennepin & Senachwine Twps.) Cos.
AREA 5: McLean (Remainder of Co.), & Woodford (Palestine, El Paso & Kansas Twps.) Cos.
AREA 6: Marshall (Area W. of Bell Plain & Roberts Twps.) & Woodford (Area W. of Kansas, Linn, Palestine, & Roanoke Twps.) Cos.

IRONWORKERS:
AREA 1: Ford & McLean (E ½) Cos.
AREA 2: Grundy Co.
AREA 3: Iroquois & Kankakee Cos.
AREA 4: LaSalle, Marshall (Except SW Corner) & Putnam Cos.
AREA 5: Livingston, McLean (Western ½), Marshall (SW Corner), & Woodford Cos.

LINE CONSTRUCTION:
AREA 1: Ford, Iroquois, LaSalle, Livingston, McLean, Marshall, Putnam, & Woodford Cos.
AREA 2: Grundy & Kankakee (Exclu. Ill. Power Co.) Cos.

PAINTERS:
AREA 1: Ford & McLean Cos.
AREA 2: Grundy Co.
AREA 3: Iroquois & Kankakee Cos.
AREA 4: LaSalle (Vicinity of LaSalle, Mendota, Oglesby, Utica, & Peru) & Putnam Cos.
AREA 5: LaSalle (Vicinity of Ottawa, Streator, & Marseilles) Co.
AREA 6: Livingston Co.
AREA 7: Marshall & Woodford Cos.

TRUCK DRIVERS:
AREA 1: Ford (S½), Iroquois (SE Corner), LaSalle, Livingston (Reading, New Town, Sunbury, Nevada, Long Point & Amity), McLean (Except NE Corner), & Putnam Cos.
AREA 2: Marshall & Woodford (NW Corner) Cos.

AREA DESCRIPTIONS (CONT'D)

TRUCK DRIVERS (CONT'D):
AREA 3: Ford (N½), Grundy, Livingston (NW Corner), & McLean (NE Corner) Cos.
AREA 4: Iroquois (Exclu. SE Corner) & Kankakee Cos.

LABORERS:
AREA 1: Ford, Iroquois & Kankakee Cos.
AREA 2: Livingston & Woodford Cos.
AREA 3: McLean Co.
AREA 4: Marshall Co.
AREA 5: LaSalle (Streator & Vicinity) Co.
AREA 6: LaSalle (Marseilles & Vicinity) Co.
AREA 7: LaSalle (Ottawa & Vicinity) Co.
AREA 8: LaSalle (LaSalle & Vicinity) Co.
AREA 9: Putnam Co.
AREA 10: Grundy Co.

POWER EQUIPMENT OPERATORS:
AREA 1: Ford & Iroquois Cos.
AREA 2: Grundy, Kankakee, LaSalle, Livingston, & Putnam (E. of the Illinois River) Cos.
AREA 3: McLean, Marshall, Putnam (W. of the Illinois River), & Woodford Cos.

TRUCK DRIVERS CLASSIFICATIONS FOR AREAS 1 & 2

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine Incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

LABORERS CLASSIFICATIONS FOR AREAS 3 THROUGH 9

Unskilled: Asphalt Plant Laborers; Carpenter Tenders; Cleaning Lumber; Common Laborers; Driving of Stakes; Dumpmen & Spotters; Fencing Laborers; Fireman or Salamander Tenders; Fireproofing Laborers; Form Handlers; Gravel Box Man; Landscapers; Laying of Sod; Pitmen; Planting of Trees; Removal of Trees; Stringlines for all Machinery; Tool Cribmen; Unloading Explosives; Wallmen & Housemovers; Wrecking, Dismantling Buildings; & Wrecking Laborers

Semi-Skilled: Asphalt Rakers; Batch Dumpers; Bankmen on Floating Plant; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime & Plasters; Chloride Handlers; Cofferdam Workers plus depth on Concrete Paving; Concrete Workers (Wet); Deck Hand; Dredge Hand; Grade Checker; Handlers (Bulk or Bag); Handling of Materials Treated with Oil, Creosote, Asphalt or any Foreign Material; Kettle & Tarmen; Laborers with De-Watering Systems; Mason & Plasterer Tenders & Material Wheelers; Mortar Mixers; Motorized Buggies or Motorized Unit for Wet Concrete or Handling of Building Materials; Placing, Cutting & Tying or Reinforcing; Plastic Installers; Scaffold Workers; Sewer Workers plus depth; Shore Laborers; Tank Cleaners; Track Laborers; Tunnel Tenders in Free Air; Unloading & Laborers with Steel Workers & Rebars; & Vibrator Operators

LABORERS CLASSIFICATIONS FOR AREAS 5 THROUGH 9 (CONT'D):
Skilled: Air Tamping Hammerman; Caisson Workers plus depth; Chain Saw Operators; Concrete Burning Machine Operators; Concrete Saw Operators; Coring Machine Operators; Curb Asphalt Machine Operators; Cutters, Burners & Torchmen; Dynamite Man or Blasters; Gunnite Nozzle Men; Jackhammer & Drill Operators; Laborers Handling Masterplate or Similar Materials; Laborers Tending Masons with Hot Material or Where Foreign Materials are Used; Laser Beam Operators; Layout Man; Lead Man on Sewer Work; Lutemen; Multiple Concrete Duct-Leadman; Portable or Temporary Plant; Ready-Mix Scalesman; Screedman on Asphalt Pavers; Signalman on Crane; Steel Form Setters (Street & Hwy); & Welders
LABORERS CLASSIFICATIONS FOR AREA 10:
Heavy & Highway Construction:
Group 1 - Construction; Tenders; Material Expediter (Asphalt Plant); Street Paving, Grade Separation, Sidewalk, Curb & Gutter, Strippers & All Laborers not Otherwise Mentioned
Group 2 - Asphalt Tampers & Smoothers; Cement Gun
Group 3 - Cement Gun Nozzle (Laborers) Gunite
Group 4 - Rakers & Lutemen; Machine-Screwmen; Kettlemen; Mixermen; Drum-Men; Jackhammermen (Asphalt); Pointmen; Mitre Box Spreaders; Laborers on Birch, Overman & Similar Spreader Equipment; Laborers on Apsco; Laborers on Air Compressors; Paving Form Setters; Jackhammer (Concrete); Power Driven Concrete Saws; Other Power Equipment
Sewer & Tunnel:
Group 1 - Top Laborers; All Laborers not Otherwise Mentioned
Group 2 - Concrete; & Steel Setters
Group 3 - Cement Carriers; Cement Mixers; Concrete Repairmen; Mortar Men; Scaffold Men; & Second Bottom Man
Group 4 - Air Trac Drill Operations; Bottom Men; Bracers-Bracing; Bricklayers Tenders; Catch Basin Diggers; Drainlayers; Dynamiters; Form Men; Jackhammerman; Pipelayers; Rodders; Welders & Burners; & Well Point System Men

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 1:
CLASS 1: Master Mechanic
CLASS 2: Utility Operator
CLASS 3: Power Cranes; Draglines; Derricks; Shovels; Gradalls; Mechanics; Concrete Mixers with Skip; Tournamixers; Two Drum Machine; One Drum Hoists with Tower or Boom; Cableways; Tower Machines; Motor Patrol; Boom Tractor; Boom or Winch Truck; Winch or Hydraulic Boom Truck; Truck Crane; Tournapull; Tractor Operating Scoops; Bulldozer; Push Tractor; Asphalt Planer; Finishing Machine on Asphalt; Large Rollers on Earth; Rollers on Asphalt Mix; Ross Carriers or similar Machine; Gravel Processing Machine; Asphalt Plant Engineer; Paver Operator; Farm Tractor w/half yard Bucket and/or Backhoe Attachment; Dredging Equipment or Dredge Engineer or Dredge Operator; Central Mix Plant Engineer; CMI or similar type machine; Concrete Pump; Truck or Skid mounted; Tower Crane; Engine or Rock Crusher Plant; Concrete Plant Engineer; Ditching Machine with dual attachment; Tractor mounted Loaders; Cherry Picker; Hydro Crane; Standard or Dinkey Locomotives; Scoopmobiles; Euclid Loader; Soil Cement Machine; Back Filler; Elevating Machine; Power Blade; Drilling Machine, incls. Well Testing, Caissons, Shaft or any similar type Drilling Machines; Motor Driven Paint Machine; Pipe Cleaning Machine; Pipe Wrapping Machine; Pipe Bending Machine; Apsco Paver; Boring Machine; Head Equipment Greaser; Barber-Greene Loaders; Formless Paver; Well Point System; Concrete Spreader; Hydra Ax; Resco Concrete Saw; Marine Scoops; Brush Mulcher; Brush Burner; Mush Placer; Tree Mover; Helicopter Crew (3); Piledriver - Skid or Crawler; Stump Remover; Root Rake; Tug Boat Operator; Refrigerating Machine; Freezing Operator; Chair Cart - Self-Propelled; Hydra Seeder; Straw Blower; Power Sub Grader; Bull Float; Finishing Machine; Self-propelled Pavement Breaker (Backhoe attached); Lull or similar type machine; Two Air Compressors; Compressors hooked in Manifold; Overhead Crane; Chip Spreader; Mud Cat; Soil-Air; Tractor Rightlift; Tournadozer; Tube Float; Spray Machine; Curing Machine; Concrete or Asphalt Milling Machine

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 1 (CONT'D):
CLASS 4: Concrete Mixers without Skips; Rock Crusher; Ditching Machine under 6'; Curbing Machine; One Drum Machines without Tower or Boom; Air Tugger; Self-propelled Concrete Saw; Machine mounted Post Hole Digger; Two to Four Generators; Water Pumps or Welding Machines within 400 ft.; Air Compressor 600 cu. ft. and under; Rollers on Aggregate and Seal Coat Surfaces; Fork Lift; Concrete and Blacktop Curb Machine; Farm Tractor with less than half yard Bucket; One Water Pump; Oilers; Air Valves or Steam Valves; One Welding Machine; Truck Jack; Mud Jack; Gunite Machine; House Elevators when used for Hoisting Material; Engine Tenders; Fireman; Wagon Drill; Flex Plane; Conveyor; Siphons and Pulsometer; Switchman; Fireman on Paint Pots; Fireman on Asphalt Plants; Distributor Operator on Trucks; Tampers; Self-propelled Power Broom; Striping Machine (motor driven); Form Tamper; Seaman Tiller; Bulk Cement Plant Equipment Greaser; Deck Hands; Truck Crane; Oiler Driver; Cement Blings; Form Grader; Temporary Heat; Throttle Valve; Farm Tractor
POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 2:
CLASS 1: Asphalt Plant; Asphalt Heater & Planer Combination; Asphalt Spreader; Autograder; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front End Loader Machine (1 cu. yd. & over); Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Hammerhead, Linden, Peco & Machines of a like nature; Creter Crane; Derricks; Derrick Boats; Derricks, Traveling; Dredges; Field Mechanic-Welder; Formless Curb & Gutter Machine; Gradall & Machines of a like nature; Grader, elevating; Grader, Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Truck mounted; Hoists, 1, 2, & 3 drum; Locomotives; Mucking Machine; Piledriver & Skid Rig; Pre-stress Machine; Pump Cretes Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck mounted; Roto Mill Grinder; Slip Form Paver; Soil Test Drill Rig (Truck mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Tractor Drawn Belt Loader with or w/o attach. Pusher; Tractor with Boom; Tractaire with attachments; Trenching Machine; Truck Mounted Concrete Pump with Boom; Raised or Blind Hole (tunnel shaft) Drill; Underground Boring and/or Mining Machines 5' in diameter & over tunnel, etc.; Underground Boring and/or Mining Machines under 5'; Wheel Excavator; & Widener (Apsco)
CLASS 2: Batch Plant; Bituminous Mixer; Bobcats (over 3/4 cu. yd.); Boiler & Throttle Valve; Bulldozers; Car Loader Trailing Conveyors; Combination Backhoe Front End Loader Machine (Less than 1 cu. yd.); Compressor & Throttle Valve; Concrete Breaker or Hydrohammer; Concrete Grinding Machine; Concrete Mixer or Paver 75 series to 6 incls. 27 cu. ft.; Concrete Spreader; Concrete Curing Machine; Burlap Machine; Belting Machine & Sealing Machine; Finishing Machine - Concrete; Greaser Engineer; Highlift Shovels or Front End Loaders; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (all attachments); Locomotives, Dinky; Pumpcretes; Squeeze Cretes - Screw type Pumps, Gypsum Bulker & Pump; Roller, Asphalt; Rotary Snow Plows; Rototiller, Seaman, etc., self-propelled; Scoops - Tractor Drawn; Self-propelled Compactor Spreader - Chip - Stone, etc.; Scraper; Scraper - Prime mover in Tandem (add $1.00 for each hour & each machine attached thereto); Tank Car Heater; Tractors, Push, Pulling Sheeps Foot, Disc, Compactor, etc.; & Tug Boats
CLASS 3: Boilers; Brooms (all power propelled); Cement Supply Tender; Concrete Mixer (2 Bag & Over); Conveyor, Portable; Farm-type Tractors used for mowing, seeding, etc.; Firemen on Boilers; Forklift trucks; Grouting Machine; Hoists, Automatic; Hoists, all Elevators; Hoists, Tugger Single Drum; Jeep Diggers; Pipe Jacking Machines; Post Hole Diggers; Power Saw, Concrete, Power Driven; Pug Mills; Rollers, other than Asphalt; Steam Generators; Stone Crushers; Stump Machine; Winch Trucks with "A" Frame; Work Boats; & Tamper - Form-Motor Driven
CLASS 4: Air Compressor; Asphalt Spreader Backend Man; Combination - small equipment operator; Generators; Heaters, Mechanical; Light Plants, (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Tractaire; Welding Machines (2 through 5); Winches, 4-small electric drill winches; & Bobcats (up to and incls. 3/4 cu. yd.)
CLASS 5: Oilers

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 3:

GROUP 1 - Cranes; Hydro Cranes; Shovels; Crane Type Backfiller; Tower Cranes, Mobile & Crawler & Stationary; Derricks & Hoist (3-drum); Dragline; Drott Tumbo & similar Types considered as Cranes; Backhoe; Derrick Boats; Pile Driver & Skid Rigs; Clam Shells; Locomotive Cranes; Road Pavers, Single Drum, Dual Drum & Tri Hatcher; Motor Patrols & Power Blades, Dumore, Elevating & Similar types; Mechanics; Central Concrete Mixing Plant Op.; Blacktop Plant Ops. & Plant Engineers; Gradall; Caisson Rigs; Skimmer Scoop, Koehring Scooper; Dredges (all types); Hoptoe, Crane type; Escalated rate on Crane & Derricks Booms, $.01 per hour, per ft., over 80' incl. jib; Cherry Pickers; Work Boat; Koss Carrier; Helicopter; Dozer & Tournadozer

GROUP 2 - Asphalt Heater & Planer Combination (used to plane streets); Trench Machines; Pump Crete; Belt Crete; Squeeze Crete; Screw type Pumps & Gypsum; Bulker & Pump; Dinkeys; Tournapulls, all, & similar types; Multiple Unit Earth Movers, $.25 per hour for each scoop over one; Scoops (all sizes); Pushcats; End Loaders (all types); Side Booms; P-H One Pass Soil Cement Machines & similar types; Wheel Tractors (industrial or farm type with Dozer, Hoe, End Loader other attachments; Backfiller; Asphalt Surfacing Machine; Euclid Loader; Fork Lifts; Formless Finishing Machine; Jeep with Ditching Machine or other attachments; Tine-luger; Rockcrusher; Automatic Cement & Gravel Batching Plants; Mobile Drills (Soil Testing); & Similar types; Pugmill with Pump; Flaherty Spreader & Similar types; Heavy Equipment Greaser (Top Greaser on Spread); Power Launches; Boring Machine & Pipe Jacking Machine; C.M.I & similar types; All (1) & (2) Drum Hoists; Dewatering System; Straw Blower; Hydro-seeder; Boring Machine; Hydro-broom; Starting Engineer on Pipeline; F. W. D. & similar types

GROUP 3: Apsco Spreader or similar types; Tractors (track-type) without Power Units pulling Rollers; Rollers on Asphalt-brick or Macadam; Concrete Breakers; Concrete Spreaders; Center Stripper; Cement Finishing Machines; Vibro Tampers (all similar types) self-propelled; Mechanical Bull Floats; Mixers, over 3 bag to 27E; Winch & Boom Trucks; Tractor, pulling Power Blade or Elevating Grader; Porter Tex Rail; Clazy Screed; Mule, pulling Rollers; Pugmill without Pump; Barber Greene or similar Loaders; Track-Type Tractors with Power unit attached (minimum); Fireman; Screed Man on Laydown Machine; & Spray Machine on Paving

GROUP 4 - Power Subgrader; Oil Distributor; Straight Tractor; Tracair (without attachments); Curb Machines; Paved Ditch Machines; Truck Crane Oiler; & Truck type Hoptoe Oilers

GROUP 5 - Herman Nelson Heater, Dravo, Warner, Silent Glo & Similar types; Self-propelled Concrete Saws; Assistant Heavy Equipment Greaser; Crawler Crane & Skid Rig Oilers; Rollers, 5 tons & under on Earth & Gravel; Form Graders; Pump (1) or (2); Light Plant (1) or (2); Generator (1) or (2); Conveyor (1) or (2); Mixer, 3 bags & under; Bulk Cement Plant; Air Compressor (1) or (2); & Welding Machine (1) or (2)

DREDGING CLASSIFICATIONS:

McLean, Marshall, Putnam, & Woodford Cos.:

GROUP 1: Operators on Hydraulic Dipper or Clamshell Dredges; Engineers & Repairmen; Operators on Work Boats

GROUP 2: Power Winches 1-2-3 Drums

GROUP 3: Security Engineer

GROUP 4: Cranemen on Dipper Dredges; Operators on Launches or Power Boats

GROUP 5: Firemen & Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTIES: *SEE BELOW
DECISION NUMBER: IL83-2035 DATE: Date of Publication
Supersedes Decision No. IL81-2055, dated August 28, 1981 in 46 FR 43609
DESCRIPTION OF WORK: Heavy and Highway Construction Projects (including Dredging)

*BUREAU, CARROLL, HENRY, JODAVIESS, LEE, OGLE, ROCK ISLAND, STEPHENSON, WHITESIDE, & WINNEBAGO

	Basic Hourly Rates	Fringe Benefits
CARPENTERS:		
AREA 1	$16.49	$2.21
AREA 2	17.15	1.55
AREA 3	15.92	2.78
AREA 4	16.775	1.925
AREA 5	14.35	4.35
AREA 6	17.00	1.70
CEMENT MASONS:		
AREA 1	16.10	1.25
AREA 2	14.46	2.90
AREA 3	15.50	1.50
AREA 4	14.37	1.80
AREA 5	14.95	3.15
ELECTRICIANS:		
AREA 1:		
Electricians	17.68	3.09
Cable Splicers	18.08	3.10
AREA 2	16.60	2.09
AREA 3	16.10	2.07
AREA 4	17.46	3.16
AREA 5	16.64	2.69
AREA 6	14.95	2.36
IRONWORKERS:		
AREA 1	16.35	3.30
AREA 2	16.45	2.79
AREA 3	17.00	4.375
LINE CONSTRUCTION:		
AREA 1:		
Lineman	18.02	2.18
Groundman Equipment Ops.	16.81	2.08
Groundmen Truck Drivers with Winch	12.77	1.74
Groundmen Truck Drivers without Winch	12.02	1.67
Groundman	11.46	1.62
AREA 2:		
Linemen; Diggers Op.; & Crane Op. (15 tons or over)	17.05	2.614+a
Equipment Operator; Semi-Truck Driver	14.48	2.324+a
Truck Drivers	11.54	1.96+a
Groundman	11.16	1.93+a
AREA 3:		
Linemen; Heavy Equipment Ops & Technicians	14.07	.94
Cable Splicers	14.17	.95
Dynamiter	11.97	.87

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION (CONT'D):		
AREA 3 (Cont'd):		
Groundman Equipment Op.	$11.39	$.85
Groundman Truck Drivers with Winch	10.06	.80
Groundman Truck Drivers w/o Winch; Groundman	9.72	.79
PAINTERS:		
AREA 1:		
Brush	11.00	1.05
Sandblasting; Spray	12.00	1.05
AREA 2:		
Brush; Roller	14.92	3.04
Spray; Structural Steel	15.42	3.04
AREA 3:		
Brush; Roller	12.50	1.00
Structural Steel	12.75	1.00
Spray	13.00	1.00
AREA 4:		
Brush; Roller	11.50	1.60
Spray; Structural Steel	12.05	1.60
AREA 5:		
Brush; Roller	14.95	2.19
Open Structural Steel	15.20	2.19
Spray	15.50	2.19
Sandblasting	15.55	2.19
PILEDRIVERMEN:		
AREA 1	15.03	2.68
AREA 2	15.41	2.78
AREA 3	16.35	2.53
AREA 4	15.55	1.40
AREA 5	14.18	2.15
AREA 6	15.13	3.25
LABORERS:		
AREA 1:		
Unskilled	13.51	2.295
Semi-Skilled	13.72	2.295
Skilled	13.92	2.295
AREA 2:		
Class 1	14.02	1.665
Class 2	14.22	1.665
Class 3	14.32	1.665
AREA 3:		
Class 1	13.02	2.665
Class 2	13.22	2.665
Class 3	13.32	2.665

	Basic Hourly Rates	Fringe Benefits
LABORERS (CONT'D):		
AREA 4:		
Class 1	$13.02	$2.665
Class 2	13.22	2.665
Class 3	13.32	2.665
AREA 5:		
Unskilled	13.92	2.20
Semi-Skilled	14.12	2.20
Skilled	14.32	2.20
AREA 6:		
Unskilled	13.18	2.20
Semi-Skilled	13.43	2.20
Skilled	13.66	2.20
POWER EQUIPMENT OPERATORS:		
AREA 1:		
Group 1	16.74	2.35
Group 2	16.54	2.35
Group 3	15.99	2.35
Group 4	15.32	2.35
Group 5	13.88	2.35
AREA 2:		
Class 1	16.75	4.50
Class 2	16.20	4.50
Class 3	15.10	4.50
Class 4	13.80	4.50
Class 5	12.65	4.50
AREA 3:		
Class 1	15.30	2.98
Class 2	15.30	2.98
Class 3	13.70	2.98
Class 4	13.70	2.98
Class 5	12.55	2.98

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
AREA 1:		
Group 1	$14.325	b
Group 2	14.725	b
Group 3	14.925	b
Group 4	15.175	b
AREA 2:		
2-3 Axles	14.45	$2.80
4 Axles	14.60	2.80
5 Axles	14.80	2.80
6 Axles	15.00	2.80
AREA 3:		
2-3 Axles	15.30	c
4 Axles	15.45	c
5 Axles	15.65	c
6 Axles	15.85	c
DREDGING:		
Bureau & Henry (E ½) Cos.:		
Group 1	13.07	1.30
Group 2	12.87	1.30
Group 3	12.495	1.30
Group 4	12.22	1.30
Group 5	11.61	1.30

FOOTNOTES:
a. 4 Paid Holidays: Memorial Day; July 4th; Labor Day; & Thanksgiving Day
b. $51.00 per week per employee
c. $98.00 per week per employee

AREA DESCRIPTIONS

CARPENTERS:
AREA 1: Bureau Co.
AREA 2: Carroll, JoDaviess, & Whiteside Cos.
AREA 3: Henry, Ogle (Oregon & S. thereof), & Rock Island Cos.
AREA 4: Lee Co.
AREA 5: Ogle (N. of Oregon) & Winnebago Cos.
AREA 6: Stephenson Co.

CEMENT MASONS:
AREA 1: Bureau Co.
AREA 2: Carroll, JoDaviess, Lee, Ogle, Stephenson, & Whiteside (Exclu. Erie & SW thereof) Cos.
AREA 3: Henry (E ½) Co.
AREA 4: Henry (W ½), Rock Island, & Whiteside (Erie & SW thereof) Cos.
AREA 5: Winnebago Co.

ELECTRICIANS:
AREA 1: Bureau (Walnut, Ohio, Lamoille, Clarston, Bureau, Dover, Cherry, Malden, Arlington, Berlin, & Westfield Twps.) Co.
AREA 2: Bureau (Arispe, Concord, Fairfield, Gold, Greenville, Hall, Indiantown, Leepertown, Macon, Manlius, Milo, Mineral, Neponset, Princeton, Shelby, Wheatland & Wyanet Twps.), & Henry (Annawan, Burns, Cambridge, Galva, Kewanee, Weller & Whatherafield Twps. for electrical Installations exceeding $4,000.00) Cos.
AREA 3: Henry (Annawan, Burns, Cambridge, Galva, Kewanee, Weller & & Whatherafield Twps. for electrical installations not exceeding $4,000.00) Co.
AREA 4: Carroll (Cherry Grove, Shannon, Rock Creek, Lima, Wysox & Elkhorn Grove Twps.), JoDaviess (Warren, Rush, Nora, Stockton, Warts Grove, Pleasant Valley & Berrennan Twps.), Lee, Ogle, Stephenson, Whiteside (Genesee, Jordan, Hopkins, Sterling, Hume, Montgomery, Tampico, & Hahnaman Twps.), & Winnebago Cos.
AREA 5: Carroll (Chadwick, Mt. Carroll, Savanna & Thompson Cities), Henry (Rem. of Co.), JoDaviess (Savanna Ordnance Plant), Rock Island & Whiteside (Rem. of Co.) Cos.
AREA 6: JoDaviess (Rem. of Co.) Co.

IRONWORKERS:
AREA 1: Bureau Co.
AREA 2: Carroll (Thompson, Savanna & Vic.), Henry, JoDaviess (E. Dubuque, Galena, Hanover & Vic.), Rock Island, & Whiteside (W ½) Cos.
AREA 3: Carroll (Rem. of Co.), JoDaviess (Rem. of Co.), Lee, Ogle, Stephenson, Whiteside (E ½), & Winnebago Cos.

LINE CONSTRUCTION:
AREA 1: Bureau Co.
AREA 2: Carroll (E. part Exclu. Cities of Lanark, Milledgeville, & Shannon), JoDaviess (Apple River & E. thereof), Lee, Ogle, Stephenson, Whiteside (E. of Clyde, Lyndon, Mt. Pleasant & Prophetstown), & Winnebago Cos.
AREA 3: Carroll (Rem. of Co.), Henry, JoDaviess (Rem. of Co.), Rock Island, & Whiteside Cos.

PAINTERS:
AREA 1: Bureau Co.
AREA 2: Carroll, Henry (N ½ to Interstate 880), Rock Island, & Whiteside (W. of Rt. 978) Cos.
AREA 3: Henry (S ½ to Interstate 880) Co.
AREA 4: JoDaviess Co.
AREA 5: Ogle, Stephenson & Winnebago Cos.

AREA DESCRIPTIONS (CONT'D)

PILEDRIVERMEN:
AREA 1: Bureau Co.
AREA 2: Henry, Ogle (Oregon & South thereof), Rock Island, & Whiteside (W. of Hwy #78) Cos.
AREA 3: Lee (E ½, Inclu. Roxbury & Compton) & Ogle (Rochelle & Vic.) Cos.
AREA 4: Lee (Rem. of Co.) Co.
AREA 5: Whiteside (E. of Hwy #78) Co.
AREA 6: Winnebago Co.

LABORERS:
AREA 1: Bureau Co.
AREA 2: Carroll, JoDaviess, Lee, Ogle (Exclu. City of Rochelle), Stephenson, & Whiteside Cos.
AREA 3: Ogle (City of Rochelle) Co.
AREA 4: Winnebago Co.
AREA 5: Henry Co.
AREA 6: Rock Island Co.

POWER EQUIPMENT OPERATORS:
AREA 1: Bureau & Henry (E ½) Cos.
AREA 2: Carroll, JoDaviess, Lee, Ogle, Stephenson, Whiteside (E ½), & Winnebago Cos.
AREA 3: Henry (W ½), Rock Island, & Whiteside (W ½) Cos.

TRUCK DRIVERS:
AREA 1: Bureau, Carroll (Exclu. N. of Rte. #72 & E. of Rte. #78), Henry, JoDaviess (W. of Rte. #78, inclu. Stockton), Lee (W. of Rte. #51), Ogle (W. of Rte. #51), Rock Island & Whiteside Cos.
AREA 2: Carroll (N. of Rte. #72 & E. of Rte. #78), JoDaviess (E. of Rte. #78, exclu. Stockton), Stephenson, & Winnebago Cos.
AREA 3: Lee (E. of Rte. #51), & Ogle (E. of Rte. #51) Cos.

LABORERS CLASSIFICATIONS FOR AREA 1:

Unskilled Laborers: Common; Carpenter Tenders; Tool Crihman; Firemen or Salamander Tenders; Gravel Box Men; Dumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting and Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Fireproofing Laborers; Wrecking-Dismantling Buildings; Wallmen and Housemovers; Driving of Stakes; Stringlines for All Machinery

Semi-Skilled Laborers: Handling of Materials Treated with Oil, Creosote, Asphalt and/or other Foreign Material; Track Laborers; Cement Handlers; Chloride Handlers; the Unloading and Laborers w/Steel Workers and Rebars; Concrete Workers (Wet); Tunnel Tenders in Free Air; Batch Dumpers; Mason and Plasterer Tenders and Material Wheelers; Kettlemen and Tarmen; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized Buggies or Motorized Units used for Wet Concrete or Handling of Building Materials; Laborers w/Dewatering Systems; All Sewer Workers, plus Depth; Asphalt Raker; Grade Checker; Vibrator Operators; Mortar Mixer Operator; Cement Silica, Clay, Fly Ash, Lime and Plasters; Handlers (Bulk or Bag); Cofferdam Workers, plus Depth (on Concrete Paving); Placing, Cutting and Tying or Reinforcing; Deck Hand; Dredge Hand and Shore Laborers; Benkmen on Floating Plant

Skilled Laborers: Dynamite Man or Blasters; Caisson Workers, plus Depth; Gunnite Nozzle Men; Leadman on Sewer Work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout Men; Steel Form Setters (Street and Highway); Air Tamping Hammerman; Signal Man on Crane; Concrete Saw Operator; Screedman on Asphalt Pavers; Laborers Tending Masons w/Hot Materials are used; Multiple Concrete Duct-Leadmen; Lutemen; Curb Asphalt Machine Operator; Ready-mix Scalemen; Portable or Temporary Plant; Laborers Handling Masterplate or similar materials; Laser Beam Operator; Coring Machine Operator; Concrete Burning Machine Operator

LABORERS CLASSIFICATIONS FOR AREAS 2, 3, & 4:

CLASS 1: Common Laborers; Carpenters' Tenders; Tool, Crihmen, Firemen, or Salamander Tenders; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Fireproofing Laborers; Driving of Stakes; Stringlines for all Machinery; Asphalt Workers with Machine & Layers; Grade Checker; Signal Man on Crane; Coring Machine Operator; Concrete Workers (wet), on Concrete Paving; Placing, Cutting and Typing of Reinforcing Steel Form Setters-Street and Highway

CLASS 2: Scaffold Workers; Handling of Materials Treated with any Foreign Matter Harmful to Skin or Clothing; Bulk Cement Handlers; Unloading of Re-Bars; Tunnel Tenders in Free Air; Batch Dumpers; Mason Tenders; Kettle and Tar Men; Tank Cleaners; Plastic Installers; Motorized Buggies or Motorized Unit Used for Wet Concrete or Handling of Building Materials; Vibrator Operators; Mortar Mixer Operators; Cement Silica; Clay Fly Ash; Lime and Plasters Handlers (Bulk or Bag); Deck Hand; Dredge Hand and Shore Laborers; Benkmen on Floating Plant; Power Tools; Material Selector (Firebrick or Castable Material); Chain Saw Operators; Air Tamping Hammerman; Concrete Saw Operator; Front End Man on Chip Spreader; Lutemen; Asphalt Raker

CLASS 3: Jackhammer and Drill Operators; Laborers with De-Watering Systems; Bottom Sewer Workers Plus Depth; Cofferdam Workers Plus Depth; Caisson Workers Plus Depth; Gunnite Nozzle Men; Leadman on Sewer Work; Welders, Cutters, Burners, & Torchmen; Layout Man and/or Tile Layer; Screedman on Asphalt Pavers; Laborers Tending Masons with Hot Material; Multiple Concrete Duct-Leadman; Curb Asphalt Machine Operator; Ready-Mix Scalemen; Permanent, or Temporary Plant; Laser Beam Operator; Concrete Burning Machine Operators; Underpinning and Shoring of Building; Pump Men

LABORERS CLASSIFICATIONS FOR AREA 6:

UNSKILLED - Common Laborer; Carpenter Tender; Gravel Box Men; Dumpmen & Spotter; Form Handlers; Fencing Laborers; Cleaning Lumber; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Scaleman; Deck Hand

SEMI-SKILLED - Laying & Jointing of Telephone Conduit; Barco & Jackhammer Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Jumper; Puddler; Power & Hand Saw (when clearing timber); Center Strip; Reinforcing in Concrete; Wire Mesh; Concrete Saw; Mortar Mixer; Prime Mover or any Mechanical Device taking the place of Concrete Buggy or Wheelbarrow; Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Minerman or other preparations used on Joints; Sheeting Hammer Drivers (2-Men); Backup Men on Joint Man with Pipelayer; Laborer in Ditch or Tunnel on Sewer & Water Main & Telephone Conduit; Gas Distribution Men; Pipe Setter on Laterals, Drain Tiles, Culvert Pipe, & Storm Sewer Connections to Catch Basins, Manholes or Main Lines; Handling of Materials treated with Oil, Creosote, Asphalt and/or any Foreign Material harmful to Skin or Clothing; Chloride Handlers; The Unloading & Laborers with Steel Workers & Re-Bars; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Benkmen on Floating Plant

SKILLED - String or Wireline (1 Man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on Sewer & Water Main; Gunnite Nozzle Man; Welders; Cutters; Burners & Torchman; Screedman on Asphalt Pavers; Lutemen; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coring Machine Operator; Head Grade Man

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 1:

GROUP 1 - Cranes; Hydro Crane; Shovels; Crane Type Backfiller; Tower Cranes, Mobile & Crawler & Stationary; Derricks & Hoist (3-drum); Dragline; Drott Tumbo & similar Types considered as Cranes; Backhoe; Derrick Boats; Pile Driver & Skid Rigs; Clam Shells; Locomotive Cranes; Road Pavers, Single Drum, Dual Drum & Tri Batcher; Motor Patrols & Power Blades, Dumore, Elevating & Similar types; Mechanics; Central Concrete Mixing Plant Op.; Blacktop Plant Ops. & Plant Engineers; Gradall; Caisson Rigs; Skimmer Scoop, Koehring Scooper; Dredges (all types); Hoptoe, Crane type; Escalated rate on Crane & Derricks Booms, $.01 per hour, per ft., over 80' incl. jib; Cherry Pickers; Work Boat; Boss Carrier; Helicopter; Dozer & Tournadozer

GROUP 2 - Asphalt Heater & Planer Combination (used to plane streets); Trench Machines; Pump Crete; Belt Crete; Squeeze Crete; Screw type Pumps & Gypsum; Bulker & Pump; Dinkeys; Tournapulls, all, & similar types; Multiple Unit Earth Movers, $.25 per hour for each scoop over one; Scoops (all sizes); Pushcats; End Loaders (all types); Side Booms; P-H One Pass Soil Cement Machines & similar types; Wheel Tractors (industrial or farm type with Dozer, Hoe, End Loader other attachments; Backfiller; Asphalt Surfacing Machine; Euclid Loader; Fork Lifts; Formless Finishing Machine; Jeep with Ditching Machine or other attachment; Tune-Luger; Rockcrusher; Automatic Cement & Gravel Batching Plants; Mobile Drills (Soil Testing); & Similar types; Pugmill with Pump; Flaherty Spreader & Similar types; Heavy Equipment Greaser (Top Greaser on Spread); Power Launches; Boring Machine & Pipe Jacking Machine; C.M.I & similar types; All (1) & (2) Drum Hoists; Dewatering System; Straw Blower; Hydro-seeder; Boring Machine; Hydro-broom; Starting Engineer on Pipeline; F. W. D. & similar types

GROUP 3: Apsco Spreader or similar types; Tractors (track-type) without Power Units pulling Rollers; Rollers on Asphalt-brick or Macadam; Concrete Breakers; Concrete Spreaders; Center Stripper; Cement Finishing Machines; Vibro Tampers (all similar types) self-propelled; Mechanical Bull Floats; Mixers, over 3 bag to 27E; Winch & Boom Trucks; Tractor, pulling Power Blade or Elevating Grader; Porter Tex Rail; Clary Screed; Mule, pulling Rollers; Pugmill without Pump; Barber Greene or similar Loaders; Track-Type Tractors with Power unit attached (minimum); Fireman; Screed Man on Laydown Machine; & Spray Machine on Paving

GROUP 4 - Power Subgrader; Oil Distributor; Straight Tractor; Tractair (without attachments); Curb Machines; Paved Ditch Machines; Truck Crane Oiler; & Truck type Hoptoe Oilers

GROUP 5 - Herman Nelson Heater, Dravo, Warner, Silent Glo & Similar types; Self-propelled Concrete Saws; Assistant Heavy Equipment Greaser; Crawler Crane & Skid Rig Oilers; Rollers, 5 tons & under on Earth & Gravel; Form Graders; Pump (1) or (2); Light Plant (1) or (2); Generator (1) or (2); Conveyor (1) or (2); Mixer, 3 bags & under; Bulk Cement Plant; Air Compressor (1) or (2); & Welding Machine (1) or (2)

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 1:

CLASS 1: Asphalt Plant; Asphalt Heater & Planer Combination; Asphalt Spreader; Autograder; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front End Loader Machine (1 cu. yd. & over); Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Hammerhead, Linden, Peco & Machines of a like nature; Creter Crane; Derricks; Derrick Boats; Derricks, Traveling; Dredges; Field Mechanic-Welder; Formless Curb & Gutter Machine; Gradall & Machines of a like nature; Grader, elevating; Grader, Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Truck mounted; Hoists, 1, 2, & 3 drum; Locomotives; Mucking Machine; Piledriver & Skid Rig; Pre-stress Machine; Pump Cretes Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck mounted; Roto Mill Grinder; Slip Form Paver; Soil Test Drill Rig (Truck mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Tractor Drawn Belt Loader with or w/o attach. Pusher; Tractor with Boom; Tractaire with attachments; Trenching Machine; Truck Mounted Concrete Pump with Boom; Raised or Blind Hole (tunnel shaft) Drill; Underground Boring and/or Mining Machines 5' in diameter & over tunnel, etc.; Underground Boring and/or Mining Machines under 5'; Wheel Excavator; & Widener (Apsco)

CLASS 2: Batch Plant; Bituminous Mixer; Bobcats (over 3/4 cu. yd.); Boiler & Throttle Valve; Bulldozers; Car Loader Trailing Conveyors; Combination Backhoe Front End Loader Machine (Less than 1 cu. yd.); Compressor & Throttle Valve; Concrete Breaker or Hydrohammer; Concrete Grinding Machine; Concrete Mixer or Paver 7S series to & inclu. 27 cu. ft.; Concrete Spreader; Concrete Curing Machine; Burlap Machine; Belting Machine & Sealing Machine; Finishing Machine - Concrete; Greaser Engineer; Highlift Shovels or Front End Loader; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (all attachments); Locomotives, Dinky; Pumpcretes: Squeeze Cretes - Screw type Pumps, Gypsum Bulker & Pump; Roller, Asphalt; Rotary Snow Plows; Rototiller, Seaman, etc., self-propelled; Scoops - Tractor Drawn; Self-propelled Compactor Spreader - Chip - Stone, etc.; Scraper; Scraper - Prime mover in Tandem (add $1.00 for each hour & each machine attached thereto); Tank Car Heater; Tractors, Push, Pulling Sheeps Foot, Disc, Compactor, etc.; & Tug Boats

CLASS 3: Boilers; Broom (all power propelled); Cement Supply Tender; Concrete Mixer (2 Bag & Over); Conveyor, Portable; Farm-type Tractors used for mowing, seeding, etc.; Firemen on Boilers; Forklift trucks; Grouting Machine; Hoists, Automatic; Hoists, all Elevators; Hoists, Tugger Single Drum; Jeep Diggers; Pipe Jacking Machines; Post Hole Digger; Power Saw, Concrete, Power Driven; Pug Mills; Rollers, other than Asphalt; Steam Generators; Stone Crushers; Stump Machine; Winch Trucks with "A" Frame; Work Boats; & Tamper - Form-Water Driven

CLASS 4: Air Compressor; Asphalt Spreader Backend Man; Combination - small equipment operator; Generators; Heaters, Mechanical; Light Plants, (1 through 3); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Trenchaire; Welding Machines (2 through 5); Winches, 4-small electric drill winches; & Bobcats (up to and inclu. 3/4 cu. yd.)

CLASS 5: Oilers

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 2:

CLASS 1: Crane; Shovel; Clamshell; Dragline; Backhoe; Derrick; Tower Crane; Cable Way; Concrete Spreader; Asphalt Spreader; Asphalt Mixer Plant Engineer; Dipper Dredge; Dipper Dredge Cranemen; Dual Purpose Truck (Boom or Winch); Leverman or Engineman (Hydraulic Dredge); Mechanic; Paving Mixer with Tower attached; Pile Driver; Boom Tractor; Stationary, Portable or Floating Mixing Plant; Trenching Machine (over 40 H.P.); Building Hoist (two drums); Hot Paint Wrapping Machine; Cleaning & Priming Machine; Backfiller (throw bucket); Locomotive Engineer; Welder; Tow or Push Boat; Concrete Paver; Seaman Trav-L-Plant or similar machines; CMI Autograder or similar machines; Slip Form Paver; Caisson Augering Machine; Mucking Machine; Asphalt Heater-Planer Unit; Hydraulic Cranes; & Mine Hoists

CLASS 2: Athey; Barber-Greene; Euclid or Haiss Loader; Asphalt Pug Mill; Fireman & Oiler; Concrete Pump; Concrete Spreader; Bulldozer; Endloader; Log Chipper or similar machines; Elevating Grader; Group Equipment Greaser; LeTourneaupul & similar machines; IH-10 Hystar Winch & similar machines; Motor Patrol; Power Blade; Push Cat; Tractor Pulling Elevating Grader or Power Blade; Tractor Operating Scoop or Scraper; Tractor with Power Attachment; Roller on Asphalt or Blacktop; Single Drum Hoist; Jaeger Mix & Place Machine; Pipe Bending Machine; Plexaplane or similar machines; Automatic Curbing Machines; Automatic Cement &

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 3 (CONT'D):
Gravel Batch Plants (one stop set-up); Seamon Pulvi-Mixer or similar machines; Blastholer Self-propelled Rotary Drill or similar machines; Work Boat; Combination Concrete Finishing Machine & Float; Self-propelled Sheep Foot Roller or Compactor; Asphalt Spreader Screed Operator; Apsco Spreader or similar machine; Forklift (over 6,000 lb. cap. or working at heights above 25 ft.); Concrete Conveyors; & Chip Spreader
CLASS 3: Asphalt Booster; Fireman & Pump at Asphalt Plant; Mud Jack; Underground Boring Machine; Concrete Finishing Machine; Form Grader with Roller on Earth; Mixers (3 bag to 16E); Power Operated Bull Float; Tractor without Power attachment; Dope Pot (agitating motor); Dope Chop Machine; Distributor (back end); Straddle Carrier; Portable Machine Fireman; Hydro-Hammer; Power Winch on Paving Work; Self-propelled Roller or Compactor; Pump (more than one well-point pump); Portable Crusher; Trench Machine (under 40 H.P.); Power Subgrader (on forms) or similar machines; Forklift (6,000 lb. cap. or less); Gypsum Pump; Conveyor over 20 H.P.; Pullet Kenyon Cement Pump or similar machines
CLASS 4: Air Compressor (275 c.f.m. or over); Driver on Truck Crane or similar machines; Light Plant; Mixers (1 or 2 bag); Power Batching Machine (Cement Auger or Conveyor); Boiler (Engineer or Fireman); Water Pumps; Mechanical Broom; Automatic Cement & Gravel Batch Plants (two or three stop set-up); Small Rubber-tired Tractors (not including Backhoes or Endloaders); Self-propelled Curing Machines; & Brush Chippers
CLASS 5: Oiler; Mechanic's Tender; Mechanical Heater (other than steam boiler); Bolt Machine; Small Outboard Motor Boats (Safety Boat & Life Boat); Engine Driven Welding Machine; & Small Tractors (used to unroll or roll wire mesh)

TRUCK DRIVERS CLASSIFICATIONS FOR AREA 1:
GROUP 1: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders
GROUP 2: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches
GROUP 3: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls
GROUP 4: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

DREDGING CLASSIFICATIONS:
GROUP 1: Operators on Hydraulic Dipper or Clamshell Dredges; Engineers & Repairmen; & Operators on Work Boats
GROUP 2: Power Winches 1-2-3 Drums
GROUP 3: Security Engineer
GROUP 4: Cranemen on Dipper Dredges; Operators on Launches or Power Boats
GROUP 5: Firemen & Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NUMBER: IN83-2029
Supersedes Decision No. IN82-2030, dated May 14, 1982 in 47 FR 20986
COUNTIES: *See Below
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories)

*Adams, Allen, Bartholomew, Benton, Blackford, Boone, Cass, Clinton, DeKalb, Delaware, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Monroe, Montgomery, Morgan, Noble, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White, & Whitley

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Area 1	$16.85	2.15
Area 2	16.75	2.45
BOILERMAKERS	18.83	3.405
BRICKLAYERS; CAULKERS; POINTERS; CLEANERS & STONEMASONS:		
Area 1	14.41	1.90
Area 2	14.80	1.77
Area 3	15.47	1.62
Area 4	13.95	1.56
Area 5	16.74	1.68
Area 6	15.72	3.37
Area 7	15.06	2.22
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN & SOFT FLOOR LAYERS:		
Area 1		
Carpenters & Soft Floor Layers	14.68	2.02
Millwrights	15.43	2.02
Piledrivermen	14.88	2.02
Area 2:		
Carpenters & Soft Floor Layers	13.40	.72+6%
Millwrights & Piledrivermen	13.80	.72+6%
Area 3:		
Carpenters & Millwrights Light Commercial	15.78	3.25
	11.84	3.25
Area 4:		
Carpenters & Soft Floor Layers	13.86	2.00
Millwrights	14.61	2.00
Piledrivermen	14.36	2.00
Area 5:		
Carpenters & Soft Floor Layers	14.61	2.02
Millwrights & Piledrivermen	14.96	2.02
Area 6:		
Carpenters & Soft Floor Layers	13.63	2.35
Millwrights	13.93	2.35
Piledrivermen	13.83	2.35
Area 7:		
Carpenters & Soft Floor Layers	15.40	2.04
Millwrights	15.65	2.04
Piledrivermen	16.15	2.04
CEMENT MASONS:		
Area 1	12.85	1.57
Area 2	13.95	
Area 3	13.40	1.90
Area 4	13.70	1.85
Area 5	14.10	1.95
Area 6	16.13	2.09
Area 7	13.91	1.83
Area 8	12.50	
ELECTRICIANS:		
Area 1	16.55	1.63+3%
Area 2	16.19	16.5%
Area 3	17.50	1.36+3%
Area 4	16.30	2.00+3%
Area 5	16.95	1.15+3 1/5%
Area 6	17.57	1.15+3%%
Area 7	17.30	1.86+3%
LINE CONSTRUCTION:		
Linemen, Groundman, Equipment Operators	15.94	.45+8%
Groundman & Truck Driver W/Winch	13.28	.45+8%
Groundman - Truck Driver W/O winch	12.52	.45+8%
Groundman	11.96	.45+8%
ELEVATOR CONSTRUCTORS:		
Area 1:		
Elevator Constructor	14.15	2.465+a&b
Helper	70%JR	2.465+a&b
Helpers (Prob.)	50%JR	
Area 2:		
Elevator Constructors	16.11	2.465+a&b
Helpers	70%JR	2.465 A&b
Helpers (Prob.)	50%JR	

DECISION NO. IN83-2029

	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTORS (CONT'D)		
Area 3:		
Elevator Constructors	16.37	2.465 +a&b
Helpers	70%JR	2.465 +a&b
Helpers (Prob.)	50%JR	
GLAZIERS:		
Area 1	15.47	.74c
Area 2	13.42	16%
Area 3	18.00	
IRONWORKERS:		
Area 1	15.00	4.09
Area 2	15.55	3.60 +1%
Area 3	14.79	3.32
Area 4	15.40	4.56
Area 5	15.40	3.60 +1%
MARBLE SETTERS; TILE SETTERS & TERRAZZO WORKERS		
Area 1	14.41	1.90
Area 2	14.80	1.77
Area 3	15.47	1.62
Area 4	14.60	1.56
Area 5:		
Marble Setters	14.41	1.62
Tile Setters & Terrazzo Workers	13.35	1.62
Area 6	13.75	2.72
Area 7	15.06	2.22
PAINTERS:		
Area:		
Brush, Roller, Taping and Paperhangers	12.75	1.97
Spray & Sandblasting	13.85	1.97
Area 2:		
Brush, Paperhangers, & Tapers	11.65	1.75
Spray & Sandblasting	12.65	1.75
Area 3:		
Brush, Roller, Drywall & Paperhanging	13.65	1.70
Spray	14.65	1.70
Structural Steel	13.90	1.70
Sandblasting	14.65	1.70
Area 4:		
Brush, Roller, Drywall Tapers, Finishers, & Paperhangers	14.30	1.40
Spray & Sandblasting	15.30	1.40
Area 5:		
Brush, Drywall, Roller & Paperhanger	11.67	
Structural Steel	12.42	
Spray & Sandblasting	12.67	
Area 6:		
Brush, Roller, Drywall Taping and Finishing	13.90	
Spray & Sandblasting	14.90	
Area 7:		
Brush	13.70	2.04
Spray & Sandblasting	14.45	2.04
Drywall Taping	13.70	2.04
Area 8:		
Painters, Drywall Tapers and Finishers	11.69	1.63
PLASTERERS:		
Area 1	13.48	1.40
Area 2	13.95	
Area 3	13.32	.75
Area 4	13.40	.86
Area 5	15.73	1.02
Area 6	13.20	1.22
Area 7	13.20	2.16
Area 8	16.35	1.00
PLUMBERS & STEAMFITTERS:		
Area 1	16.48	2.72
Area 2	17.31	1.85
Area 3	16.95	2.16
Area 4	18.60	2.00
Area 5	15.82	2.30
Area 6	15.93	2.45
Area 7	18.25	2.00
Area 8	19.92	2.20
ROOFERS:		
Area 1	13.90	.50
Area 2:		
Composition	15.32	2.00
Slate and Tile	15.57	2.00
Area 3:		
Composition	15.45	1.78
Slate and Tile	15.70	1.78
Area 4	13.10	1.35
Area 5:		
Composition	14.60	2.03
Slate & Tile	15.10	2.03
SHEET METAL WORKERS:		
Area 1	17.66	3.96
Area 2	17.63	2.62
Area 3	17.68	2.75
Area 4	16.16	2.16

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	Basic Hourly Rates	Fringe Benefits
SPRINKLER FITTERS	16.67	2.83
LABORERS:		
Area 1:		
Group 1	10.20	1.09
Group 2	10.40	1.09
Group 3	10.50	1.09
Group 4	11.20	1.09
Area 2:		
Group 1	11.23	1.94
Group 2	11.43	1.94
Group 3	11.53	1.94
Group 4	12.23	1.94
Area 3:		
Group 1	11.48	1.94
Group 2	11.68	1.94
Group 3	11.78	1.94
Group 4	12.48	1.94
Area 4:		
Group 1	12.24	1.94
Group 2	12.44	1.94
Group 3	12.54	1.94
Group 4	13.24	1.94
Area 5:		
Group 1	11.63	1.94
Group 2	11.83	1.94
Group 3	11.93	1.94
Group 4	12.63	1.94
Area 6:		
Group 1	11.58	1.94
Group 2	11.78	1.94
Group 3	11.88	1.94
Group 4	12.58	1.94
POWER EQUIPMENT OPERATORS:		
Area 1:		
Group 1	16.40	3.95
Group 2	15.50	3.95
Group 3	15.05	3.95
Group 4	14.25	3.95
Group 5	13.45	3.95
Area 2:		
Group 1	13.70	1.58
Group 2	13.60	1.58
Group 3	13.40	1.58
Group 4	8.65	1.58
Area 3:		
Group 1	16.75	2.20
Group 2	15.80	2.20
Group 3	12.80	2.20
Group 4	11.30	2.20
Truck Drivers:		
Area 1:		
Group 1	12.62	d91.00 +e
Group 2	12.69	d91.00 +e
Group 3	12.77	d91.00 +d
Area 2:		
Group 1	11.16	d81.00 +e
Group 2	11.26	d81.00 +e
Group 3	11.46	d81.00 +e
Group 4	11.31	d81.00 +e
Group 5	11.01	d81.00 +e
Group 6	11.11	d81.00 +e
Group 7	11.46	d81.00 +e

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PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 7 Paid Holidays: A through F, & Day after Thanksgiving Day
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 6% for employee who has worked in business less than 5 years
c. 6 Paid Holidays: A through F, provided such employees work the last scheduled day prior to and the next scheduled work day after the holiday unless permission for not working on such day is granted by the employer
d. Per week per employee
e. One week's paid vacation after one year's employment; two weeks' paid vacation after three years employment; three weeks' paid vacation after ten years employment

AREA DESCRIPTIONS

ASBESTOS WORKERS

Area 1: Adams, Allen, Blackford, DeKalb, Grant, Huntington, Jay, Maimi, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2: Remaining Counties

BRICKLAYERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, and Whitley Counties
Area 2: Bartholomew and Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

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AREA DESCRIPTIONS (CONT'D)

CARPENTERS

Area 1: Adams, Cass, Fulton, Grant, Howard, Huntington, Miami, Tipton, Wabash, and Wells Counties
Area 2: Allen, DeKalb, Noble, Steuben, & Whitley Counties
Area 3: Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (excl. Edenburgh), Marion, Montgomery, Morgan (Excl. Twps. of Washington and Baker), Shelby (Camp Atterbury area, Moral & Van Buren Twps), and Warren Counties
Area 4: Remainder of Bartholomew, Johnson and Shelby Counties
Area 5: Benton, Clinton, Tippecanoe & White Counties
Area 6: Blackford, Delaware, Jay, and Madison Counties
Area 7: Monroe County and Remainder of Morgan County

CEMENT MASONS

Area 1: Adams, Allen, DeKalb, Noble, Steuben, and Whitley Counties
Area 2: Bartholomew and Shelby Counties
Area 3: Benton, Cass, Clinton Fountain, Howard, Miami, Montgomery, Tippecanoe, Warren and White Counties
Area 4: Blackford, Delaware, Grant, Huntington, Jay, Wabash & Wells Counties
Area 5: Boone, Hamilton (S½ of County N. to New Rte Ind. 32 including Noblesville), Hancock County (S. W. Corner N. to but not including Wilkinson & E. to but not including Fortville), Hendricks, Johnson, Marion, Morgan (N½) Cos.
Area 6: Fulton County
Area 7: Madison, Tipton and the Remainder of Hamilton and Hancock Counties
Area 8: Monroe County and Remainder of Morgan County

ELECTRICIANS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells and Whitley Counties
Area 2: Bartholomew, Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Montogmery, Morgan and Shelby Counties
Area 3: Benton, Cass, Fulton, Tippecanoe, and White Counties
Area 4: Blackford, Delaware and Jay Counties
Area 5: Clinton, Grant, Howard, Miami, Tipton & Wabash Counties
Area 6: Fountain and Warren Counties
Area 7: Monroe County

DECISION NO. IN83-2029

AREA DESCRIPTIONS (CONT'D)

ELEVATOR CONSTRUCTORS

Area 1: Adams, Allen, Blackford, DeKalb, Grant, Huntington, Jay, Noble, Steuben, Wabash & Wells Counties
Area 2: Cass & Fulton Counties
Area 3: Remainder of Counties

GLAZIERS

Area 1: Adams, Allen, Blackford, DeKalb, Grant, Huntington, Jay, Noble, Steuben, Wabash, Wells and Whitley Counties
Area 2: Fulton County
Area 3: Remainder of Counties

IRONWORKERS

Area 1: Adams, Allen, Blackford, DeKalb, Delaware (North-eastern 1/3 of Co.), Grant (excl. South-western portion) Huntington, Jay, Noble, Steuben, Wabash, Wells, & Whitley Counties
Area 2: Bartholomew, Boone (excluding NW ¼), Clinton (E⅔), Delaware (S 2/3 of Co.), Grant (SW Portion) Hamilton, Hancock, Hendricks, Howard, Johnson, Madison, Monroe, Morgan, Shelby, & Tipton (excl. NW ¼) Counties
Area 3: Benton, Boone (NW¼), Cass, Clinton (Rem. of Co.), Fountain, Miami, Montgomery, Tippecanoe, Tipton, (NW¼) Warren & White Counties
Area 4: Fulton County
Area 5: Marion County

MARBLE, TILE & TERRAZZO WORKERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, & Whitley Counties
Area 2: Bartholomew & Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

DECISION NO. IN83-2029

AREA DESCRIPTIONS CONT'D)

PAINTERS

Area 1: Adams, Allen, DeKalb, Grant, Huntington, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2: Blackford, Delaware, Howard, Jay, Madison, Miami, & Tipton Counties
Area 3: Benton, Cass, Clinton, Fountain, Montgomery, Tippecanoe, & Warren Counties
Area 4: Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan & Shelby Counties
Area 5: Monroe County
Area 6: Bartholomew County
Area 7: White County
Area 8: Fulton County

PLASTERERS

Area 1: Adams, Allen, DeKalb, Noble, Steuben, & Whitley Counties
Area 2: Bartholomew & Shelby Counties
Area 3: Benton (E. 2/3 W. to & incl. Boswell, Earl, Parke & Raub), Cass, Clinton, Fountain (W. to & incl. Attica, in the N. & W. to but Excl. Veedersburg in the South) Howard, Miami, Montgomery, Tippecanoe, Warren (E. ½ of Judyville, & S. to & Incl. Kramer) & White Counties
Area 4: Blackford, Delaware, Grant, Huntington, Jay, Wabash, & Wells Counties
Area 5: Hamilton (S. of Ind. Rte 32), Hancock (S. of State Rte. 234 & W. of County Rd 300-W), Hendricks, Johnson, Marion, Morgan (N½), and Shelby Counties
Area 6: Monroe County and Remainder of Morgan County
Area 7: Remainder of Hamilton and Hancock Counties, Madison & Tipton Counties
Area 8: Remainder of Benton, Fountain & Warren Counties

PLUMBERS & STEAMTIFFERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells & Whitley Counties
Area 2: Bartholomew (excluding Camp Atterbury)
Area 3: Bartholomew (Camp Atterbury) Boone, Hamilton, Hancock, Hendricks, Howard, Johnson, Marion, Miami (S. of Rte. 218), Morgan, Shelby & Tipton Counties
Area 4: Benton, Clinton, Fountain, Montgomery, Tippecanoe, Warren & White Counties
Area 5: Blackford, Grant & Wabash Counties
Area 6: Cass, Fulton & the Remainder of Miami Counties
Area 7: Delaware, Jay & Madison Counties
Area 8: Monroe County

DECISION NO. IN83-2029

AREA DESCRIPTIONS (CONT'D)

ROOFERS

Area 1: Adams, Allen, DeKalb, Noble, Steuben, Wells, & Whitley Counties
Area 2: Bartholomew, Boone, Hancock, Hendricks, Johnson, Marion, Monroe, Morgan, & Shelby Counties
Area 3: Benton, Cass, Clinton, Fountain, Montgomery, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Miami, Tipton & Wabash Counties
Area 5: Fulton County

SHEET METAL WORKERS

Area 1: Adams, Allen, Blackford, Cass, Deklab, Grant, Howard, Huntington, Jay, Miami, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2: Bartholomew, Boone, Delaware, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Monroe, Morgan, Shelby, & Tipton Counties
Area 3: Benton, Clinton, Fountain, Montgomery, Tippecanoe, Warren & White Counties
Area 4: Fulton County

LABORERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2: Blackford, Delaware, Grant, Hancock, Hamilton, Jay, & Madison Counties
Area 3: Benton, Boone, Cass, Clinton, Fulton, Howard, Miami, Montgomery, Tippecanoe, Tipton & White Counties
Area 4: Marion & Shelby Counties
Area 5: Fountain, Hendricks & Warren Counties
Area 6: Bartholomew, Johnson, Monroe & Morgan Counties

POWER EQUIPMENT OPERATORS

Area 1: Fulton & Noble Counties
Area 2: Boone, Fountain, Hendricks, Monroe, Montgomery, Morgan, & Warren Counties
Area 3: Remainder of Counties

TRUCK DRIVERS

Area 1: Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, & Shelby Counties
Area 2: Benton, Cass, Clinton, Fountain, Howard, Miami, Montgomery, Tippecanoe, Tipton, Wabash, Warren & White Counties

DECISION NO. IN83-2029

CLASSIFICATION DEFINITIONS

LABORERS AREA 1

Group 1 - Building & Construction Laborers; Scaffold Builders other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Civil; Engineer Tender & Surveyor Tenders; Window Washers & Cleaners; Roofer's Tenders; Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Tenders; Carpenter Tenders; Tenders of all other crafts not listed; Mason Tenders; All Portable Water Pumps with Discharge Up to 3 inches
GROUP 2 - Waterproofing; Handling of Creosote Lumber of Like Treated Material (excluding railroad material); Asphalt Rakers & Lutemen; Kettlemen; Air Tool Operators; Vibrators; Chipping Hammer Operators and All Pneumatic Tool Operators; Jackmen & Sheet Men Working Ditches deeper than 6 ft. in depth; Laborers Working Ditches 6 ft. in depth or Deeper; Assembly of Unicrete Pump, Chain Saw & Demolition Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layer (metallic or non-metallic); Motor Driven Wheebarrows & Concrete Buggies; Hyster Operators; Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operator, Cement, Lime or Silia Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Maine & Cable Ducking (metallic non-metallic; Screed Man or Screw Op. on Asphalt Paver
GROUP 3 - Plasterers' Tenders; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold builders when working for Plasterers
Group 4 - Dynamite Men; Drillers - Air Track or Wagon Drilling for Explosives

LABORERS AREAS 2-3-4-5-6

Group 1 - Building and Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Window Washers and Cleaners; Water Boys and Tool Housemen; Roofers Tenders; Railroad Workers; Masonry Wall Washers; Cement Finishers Tenders; Carpenter Tenders; Portable Water Pumps with Discharge up to 3 inches
Group 2 - Waterproofing; Hauling of Creosote Lumber or like treated material (ex railroad material); Asphalt Rakers and Lutemen; Kettlemen; Air Tool Oper.; Pneumatic Tool Op.; Air & Electric Vibrators and Chipping Hammer Op.; Earth compactors; Jackman & Sheetmen in Ditches more than 6 feet Deep; Laborers in ditches 6' deep or deeper; Assemply of Unicrete Pump; Tile Layers (sewer or field); Sewer Pipe Layers; Motor Driven Wheelbarrows and concrete Buggies; Hyster Op.; Pump Crete Assemblers; Core Drill Op.; Cement, Lime or Silica Clay Handlers; Handling of Toxic Materials Damaging to Clothing Pneumatic Spikers; Deck Engine & Winch Op.; Water Main & Cable Ducking; screed Man or Screw Op.; On Asphalt Paver; Chain Saw & Demolition Saw Op.; Concrete Conveyor Assembler

DECISION NO. IN83-2029

CLASSIFICATION DEFINIITIONS (CONT"D)

LABORERS (AREAS 2-3-4-5-6 (CONT'D)

Group 3 - Plaster Tenders; Mason Tender Mortar Mixers; Welders; Cutting Torch or burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders for Plasterers; Scaffold Builders for Masons Water Blast Mach. Op.

Group 4 - Dynamite Men, Drillers - Air Track or Wagon Drilling for Explosives

POWER EQUIPMENT OPERATORS AREA 1

Group 1 - Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Benoto (requires two Engineers), Boiler and Throttle Valve Boring Machine (road); Caisson Rigs; Central Redi-Mix Plant; Concrete Conveyor Sytems Concrete Power over 27E cu. ft.; Concrete Paver 27E cu. ft. and under; Concrete Placer; Concrete Pumps (truck mounted); Concrete Tower, Cranes All; Cranes, Hammerhead; Creter Cranes; Derricks, All; Forklift capable of Hoisting and mechanically moving Forks horizontally, Grader, Elevating; Highlfit Shovels or Front Endloader; Hoists, Two or more Drums; Locomotives, All; Motor Patrol; Pile Drivers and Skid Rig, Pre-stress Machine; Rock Drill (self-propelled); Rock Drill (truck mounted); Scoops - Tractor Drawn; Slip - Form Paver; Tournapull; Tractor with Boom, and side Boom; Trenching Machines 12 or more inches in width

Group 2 - Combination Backhoe Front End Loader Machine with backhoe bucket or with attachments

Group 3 - Air Compressor 600 cu. ft. and over; Bobcat (over 3/4 cu. yd.); Boilers; Broom, All Power Propelled; Bull Dozers; Compressor and Throttle Valve; Concrete Breaker (Truck mounted); Concrete Mixer of more than 21 cu. ft. capacity; Forklift with a fixed or tilt mast; Greaser Engineer; Hoists, One Drum; Hydraulic Boom Trucks; Post Hole Digger (vehicle mounted); Pump Cretes; Squeeze crete screw type pumps, Gypsum Bulker and Pump; Roller, All; Steam Generators; Stone Crusbers; Straddle Buggies; Tractors; Winch Trucks with "A" Frame

Group 4 - Buck Hoist, Combination - Small Equipment Operator, Conveyor, Portable, Grouting Machines, Hoist Elevators Matl. & personnel, Hydraulic Power Units Grouting and Pile Driving, Stud Driving, Trenching Machines less than 12 inches in width, Welding Machines 8 through 15

Group 5 - Bobcat (up to and including 3/4 cu. yds.), Compressor over 210 cu. ft.a nd less than 600 cu. ft., Generators - over 50KW, Heaters, Mechanical; Hoists, All Elevators (perm. installation); Hoist, Automatic; Hoist, Tugger Single Drum; Oilers, Pumps, Well Points and Electric Submerisbles, Small Rugger Tired End Loaders ¾ cu. yd. and under; Tractors, Farm Type; Welding Machines (2 through 8)

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CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATOR AREA 2

Group 1: Master Mechanics

Group 2: Utility Operator

Group 3: Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork Lifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor Finishing Machine on Asphalt Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressor, Betherington Paver Operator, Farm Tractor with half Yard Bucket and or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machines, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractors without Winch, Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Resco Concrete Saw, Marine, Scoops, Brush, Mulcher, Brush Burner, Mesh Placer Tree Mover Helicopter Crew (3), PileDriver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, All one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loader, Hydra Crane, Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled Winch Hydraulic Boom Truck

Group 4: Mixers 14S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine, Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tugger, Truck

DECISION NO. IN83-2029

CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS AREA 2 (CONT'D)

Crane Drivers, House Elevator when used for hoisting Material, Two to Four Generators or welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on earth, Engine Tenders, Fireman, Wagon Drill, Flex-plane, Conveyor, two to Four Water Pumps, Siphon and Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Diggers, Self-propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mude Jack, Operators to do Winter Repair work in Shop between November 1st and March 1st, Concrete Buggies Motor Driven Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine Concrete & Blacktop Curb Machine, Deck Hands

AREA 3

Group 1 - Air compressor (pressurizing shafts, tunnels & divers) Air Tugger, Auto Patrol, Back Filler, Back Hoe, Boom Cat, Boring Machine, Bull Dozer, Casisson Drilling Machine, Cherry Picker, Compactor (with dozer blade), Concrete Mixer (dual drum) Concrete Plant, Concrete Pump, Crane with all attachments; Crane-Electric Overhead, Derrick, Ditching Machine (18" and over) Dredge, Elevators (when hoisting material or tools), Fork Lift (Machinery), Formless Paver; Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, High Lift - Front End Loader, Hoist - Material and/or personnel over 3 floors, Locomotive, Mechanic on Job Site, Mucking Machine, Panel Boars Concrete Plant, Pile Driver, Push Cat, Scoop & Tractor, scraper - Rubber Tired, Spreader - Tractor Mounted, straddle Carrier - ross type, Sub Base Finish Machine (C.M.I. or similar), Tower Crane, Tractor with backhoe (over ½ yd.), Welder (craft)

Group 2 - A Frame Truck, Batcher Plant (automatic dry batch), Bending Machine - Power Driven, Bituminous Mixer, Bituminous Paver, Btiuminous Plant Engineer, Boatman, Bull Float, Compactor or Tamper - Self Propelled, Concrete Mixer (21 cu. ft. or over), Concrete Spreader - Power Driven, Dinkey Engine, Dtiching Machine (less than 18"), Drilling Machine, Finish Machine & Bull Float, Finishing Machine, Fireman - Pile Driving and Boilers, Fork Lift - Masonry & Material, Gunite Machine, Head Greaser, Hoist - Material and/or personnel 3 floors and under, Mechanic in Shop, Mesh Depresser - Mesh Placer, P.C.C. Concrete Belt Placer, Roller - Asphalt Stone & Sub Base, Sheepsfoot Roller - Self Propelled, Shop Mule, Spreader or Base Paver - Self Propelled, Sub Grader, Throttle Valve with Air Compressor or Boiler, Tractor with Backhoe (½ yd. & under), Tractor-High Lift - Farm Type, Tractor - Industrial Type, Tractor with Winch, Well Points, winch Truck

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CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS AREA 2 (CONT'D)

Group 3 - Air Compressor (210 cu. ft. & over), Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope Pot - Power Agitated, Flex Plane, Form Grader, Hydrohammer, Jack-Bydraulic-Power Driven, Minor Equipment Operator 3,4, or 5, Paving Joint Machine, Post Hole Digger, Roller - Earth, Throttle Valve, Track Jack - Power Driven, Tractor - Farm Type, Truck Crane Driver

Group 4 - Air Compressor (less than 210 cu. ft.), Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Operator - 2 pieces of minor equipment, Power Broom, Pump, Welding Machine

TRUCK DRIVERS AREA 1

Group 1 - Trucks not to exceed 2 tons

Group 2 - Truck Mechanics

Group 3 - Trucks over 2 tons; Semi trailers, tandems (double bottom); Winch trucks when used as winch

AREA 2

Group 1 - Single Axle Straight Trucks and Warehousemen

Group 2 - Tandem Axle and Dudley Straight Trucks

Group 3 - Tandem Axle & semi Trucks

Group 4 - Bituminous Distributors

Group 5 - Pick up Trucks

Group 6 - Greasers and Tiremen

Group 7 - Mechanics

SUPERSEDEAS DECISION

STATE: Maryland
DECISION NO.: MD83-3006
COUNTY: Washington
DATE: Date of Publication
Supersedes Decision No. MD81-3021 dated March 27, 1981 in 46 FR 19156
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANIC	8.67	
BRICKLAYERS	8.75	
CARPENTERS	7.96	
CEMENT MASONS	6.83	
DRYWALL HANGER	8.00	
DRYWALL FINISHER	7.13	
ELECTRICIANS	9.00	
GLAZIERS	8.22	
IRONWORKERS, STRUCTURAL	7.00	
LABORERS	5.66	
PAINTERS	6.08	
PLUMBERS	8.41	
ROOFERS	6.25	
SHEET METAL WORKERS	7.78	
TILE SETTERS	7.66	
TRUCK DRIVERS	5.74	
POWER EQUIPMENT OPERATORS:		
Backhoe	7.33	
Bulldozer	7.00	
Loader	6.75	
Roller	6.73	

	Basic Hourly Rates	Fringe Benefits

SUPERSEDEAS DECISION

STATE: Oklahoma
DECISION NO. OK83-4027
COUNTY: Oklahoma,Cleveland & Canadian
DATE: Date of Publication
SUPERSEDES DECISION #OK82-4057 dated November 12, 1982 in 47 FR 51311
DESCRIPTION OF WORK: Residential construction, single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits
Air conditioning mechanic	$8.30	
Bricklayers	10.00	
Carpenters	6.46	
Cement Masons	9.00	
Drywall:		
Installers	6.88	
Tapers	6.25	
Electricians	7.28	
Insulation Installers	7.00	
Ironworkers	9.00	
Laborers:		
General	5.46	
Mason tenders	7.00	
Mortar mixers	6.00	
Pipelayers	8.75	
Painters	7.75	
Plumbers & Pipefitters	8.70	
Roofers	10.00	
Sheet metal workers	6.68	
Soft floor layers	6.36	
Tile setters	9.50	
Truck drivers	6.00	
Power Equipment Operators:		
Backhoe	8.08	
Bulldozer	8.08	
Concrete pump operator	6.82	
Loader	8.63	
Roller - compactor	7.00	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: PENNSYLVANIA
DECISION NO.: PA83-3005
COUNTY: ALLEGHENY
DATE: DATE OF PUBLICATION
Supersedes Decision No. PA82-3026 dated September 3, 1982, in 47 FR 39085.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	15.60	3.86
CARPENTERS:		
(3 story walk-up with no elevator)	10.15	17-½%
Residential 4 story walk-up or with elevator *	14.32	27%
CEMENT MASONS	15.31	3.52
ELECTRICIANS (single or two family houses walk-up garden type apartments up to and including 4 stories)	11.38	1.15+ 3%
Residential 4 story walk-up or with elevator	17.70	2.85+ 3%
GLAZIERS	14.23	4.45
IRONWORKERS	15.32	4.40
LABORERS	7.54	
PAINTERS	8.60	
PLASTERERS	8.50	
PLUMBERS	15.80	3.59
ROOFERS	10.87	
SHEET METAL WORKERS	15.84	3.71
SOFT FLOOR LAYERS	13.60	28½%
STEAMFITTERS	16.30	3.19
TILE SETTERS	13.50	3.86
TRUCK DRIVERS	7.23	
POWER EQUIPMENT OPERATORS:		
Backhoe	16.025	3.04
Hi-Lift	16.025	3.04
Bulldozer	15.825	3.04
Roller Operator	13.94	3.04
Welder - Rate of Craft		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(ii)).

SUPERSEDEAS DECISION

STATE: TEXAS
DECISION NO.: TX83-4026
COUNTIES: Jefferson & Orange
DATE: Date of Publication
Supersedes Decision No. TX82-4046 dated 10/1/82, in 47 FR 43525.
DESCRIPTION OF WORK: Building (including Residential) Projects.

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers:		
Jefferson County	17.71	3.20
Orange County	17.255	2.215
Boilermakers	16.60	2.415
Bricklayers & Stonemasons	17.48	2.20
Carpenters:		
Carpenters - Commercial	16.87	2.415
Carpenters - Residential const. of not more than 2 units & condominium townhouses of not more than 10 units excluding all apt. const. & multiple bldgs. for rental purposes	14.94	2.415
Millwrights	17.175	2.35
Piledrivermen	17.06	2.30
Cement Masons	17.82	
Electricians	19.63	1.135 +3%
Elevator Constructors:		
Mechanics	15.34	2.465 +a
Helpers	70%JR	2.465 +a
Helpers (Prob.)	50%JR	
Glaziers:		
Northern 1/2 Jefferson Co.	15.03	1.29
Southern 1/2 Jefferson & all of Orange Co.:		
Commercial	16.64	1.29
Residential	11.95	.65
Ironworkers	16.65	2.95
Laborers:		
Group 1	10.66	1.50
Group 2	10.86	1.50
Group 3	10.96	1.50
Group 4	11.11	1.50
Lathers	16.87	2.415
Line Construction:		
Linemen & cable splicers	19.94	.80+ 3-1/2%
Groundmen	14.56	.80+ 3-1/2%

	Basic Hourly Rates	Fringe Benefits
Painters:		
Southern 1/2 of Jefferson Co. & all of Orange Co.:		
Commercial:		
Group 1 - Brush, steel wool & wallpaperhanger	16.64	1.29
Group 2 - Spray, roller, sandblaster, power cleaning, all time spent rigging; hot paint or creosote brush	17.09	1.29
Group 3 - Hot paint or creosote spray or roller	17.44	1.19
Residential:		
Brush	11.95	.65
Paperhanger	12.20	.65
Spray	12.47	.65
Sandblaster, power cleaning	12.21	.65
North 1/2 Jefferson Co.:		
Brush	15.03	1.29
Drywall	15.03	1.29
Spray	15.45	1.29
Paper & vinyl	15.28	1.29
Sign	15.45	1.29
Hand cleaning operation	15.03	1.29
Power tool operations	15.45	1.29
$.25 per hour above the prevailing wage rate when working on window sills or ledge, swing stage, bosun chair, cat walks, spider & skates in all classifications		
Pipefitters	18.02	2.02
Plasterers	15.20	1.69
Plumbers	17.71	.99
Power Equipment Operators:		
Group 1	17.685	1.65
Group 2	14.91	1.65
Group 3	13.69	1.65
Group 4	13.44	1.65

	Basic Hourly Rates	Fringe Benefits
Roofers:		
Composition	13.86	1.58
Slate & tile	14.61	1.58
Kettlemen	12.90	1.58
Sheet Metal Workers:		
Commercial	16.36	2.01+3%
Work on a single family dwelling or multiple family housing unit less than 3 stories in height where each individual family apt. is individually conditioned by a separate & independent unit or system	10.63	2.01+3%
Sprinkler Fitters	16.17	2.83
Tile Setters	15.97	2.20
Truck Drivers:		
Group 1 - Under 1-1/2 ton	13.89	1.10
Group 2 - 1-1/2 tons thru 2-1/2 tons	14.68	1.10
Group 3 - Dump truck less than 7 yds.	14.97	1.10
Group 4 - Over 2-1/2 tons; euclids (not self-loading)	15.15	1.10

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A - New Years' Day; B - Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F - the Friday after Thanksgiving Day; G - Christmas Day

FOOTNOTE FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate; Also seven paid holidays A thru G

LABORERS CLASSIFICATION DEFINITIONS
Group 1 - All hand digging & dirt work;backfilling;loading & unloading of material to & from hoist or cages;loading & unloading of tools & equip.;handling of lumber,steel,cement;distribution of materials;wrecking & razing of bldgs. & Struc.; storing materials & tools in & out of receiving lots & sheds;dumper;spotter; carpenter tender & all construction work not hereinafter classified
Group 2 - Air power tool op.; cutting torch op.; gunnite rebound man;machine ops.; power buggy;sandblaster (potmen);drill tenders;concrete grademen;wagon drill op.; metal pan & steel form men
Group 3 - Conc. burner;cement mason tender;hod carrier,mortar mixers,plaster tenders & brick mason tenders;pipelayer,pumpcrete nozzlemen;scaffold builder; water pump op.;tank cleaning;all pipe cleaning & wrapping;mortar & plaster mixing machines,grout machines;pumpcrete machines;gunnite mixing machines,incl. placing & cleaning of all pipe & conduits used in placing of conc.
Group 4 - Powdermen & blasters;sandblaster;gunnite workers;terrazzo grinders

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
Group 1 - Heavy duty mechanic;Blade grade,self-propelled;Bullclam;Backfiller; Derrick,power operated,all types;Dragline;Push cat;Bulldozer & all types of cat tractors;Cableway;Backhoe;Shovel;Cranes,power operated,all types; Elevating grader,self-propelled;Hoist-motor driven,two drum or more; Mixmobile;Winch truck;Locomotive crane;Mixer, 14 cu. ft. or more;Paving mixer, all sizes;Piledrivers;Scraper-heavy type,over 3 cu. yds.;Trench machine,all sizes;Gradeall;High-lift;Foundation boring machines;Gasoline or diesel driven welding machines - 7 to 12 machines;Pumpcrete machine;Drill op. - Water well;DW-10 euclid;Tournapulls;Asphalt plants;crushing machine & Batch plants;Scoopmobiles;Fingerlift op.; Elevator when used to haul men or material on const. work; Well point system & operation of similar dewatering devices
Group - Air compressor;Blade grade-towed;Flex plane;Formgrader;Mixer,less than 14 cu. ft.;Pump,Pulsometer;Truck crane driver;Gasoline or diesel welding mach., 3 to 6 machs.;Hoist,single drum;Scraper,3 cu. yds. or less;Conveyors, power op.
Group 3 - Fireman
Group 4 - Oiler

federal register

Friday
April 8, 1983

Part IV

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Kangaroos and Kangaroo Products

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Removal of Red, Eastern Gray, and Western Gray Kangaroos From the U.S. List of Threatened and Endangered Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The red kangaroo (*Macropus rufus*), eastern gray kangaroo (*Macropus giganteus*), and western gray kangaroo (*Macropus fuliginosus*) have been listed as Threatened species, pursuant to the Endangered Species Act of 1973, since December 30, 1974 (39 FR 44990). When these species were listed as Threatened, their importation for commercial purposes was prohibited until the Australian States demonstrated that they had effective management programs for them, and that commercial trade would not be detrimental to the survival of the kangaroos. In a final rule dated April 29, 1981 (46 FR 23929), the Service determined that the Australian States had met these conditions, and permitted commercial importation of these kangaroos for a 2-year period. In the preamble to that final rule, it was stated that at the close of this 2-year period (May 29, 1983), the Service would again review the commercial importation situation. The present proposed rule notifies the public that the Service has now received substantial data, through a petition from the Australian Government dated November 10, 1982, to warrant removal of the red, eastern gray, and western gray kangaroos from classification under the Act. The same petition also presented evidence, in the alternative, that continued commercial importation of the kangaroos beyond May 29, 1983, is warranted. The Service is proposing herewith to delist these kangaroos, and simultaneously in this issue of the **Federal Register** is publishing a proposal to continue commercial importation. The latter proposal concerning commercial imports will only be subject to a final administrative decision if this proposed rule to delist the kangaroos has not been completed by May 29, 1983.

DATES: Comments from the public must be received by June 7, 1983.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia (703/235–2771).

SUPPLEMENTARY INFORMATION: The red, eastern gray, and western gray kangaroos were listed under the Endangered Species Act as Threatened species on December 30, 1974 (39 FR 44990). This action was taken essentially for the following reasons: (1) There was no clear evidence available to the Service at the time that overall take was being carefully regulated and monitored by the various Australian States; (2) no reliable estimates of kangaroo numbers were available to the Service from most of the Australian States and (3) the Australian government had expressed concern over kangaroo populations and imposed a ban on kangaroo exports. Because of the widespread fear that too many kangaroos were being killed to sustain viable populations, the Service considered it a prudent conservation move to classify the three major trade species (red, eastern gray, and western gray kangaroos) as Threatened. Along with the listing action, the Service imposed a ban on the import of kangaroo products into the U.S. until such time as the Australian Government could certify at a minimum that "(1) a particular Australian State has developed an effective sustained-yield management program (for the kangaroos) and (2) the taking of (the kangaroos) will not be detrimental to the survival of the species * * *" (*Note:* The Service has since learned that the Australian States do not manage their kangaroos on a "sustained-yield" basis since kangaroos in Australia are not regarded as a renewable resource or crop. The purpose of kangaroo culling is to assure minimum conflict between kangaroos and human interests, and thus to aid in the conservation of the kangaroos by reducing the possibility of mass illegal killing by irate ranchers and farmers. Thus, the Service should not have used the term "sustained-yield" in its 1974 regulation prohibiting commercial importation.)

On April 29, 1981, the Service published a notification in the **Federal Register** (46 FR 23939) that the Australian Government had met the above two criteria for removing the import ban on the kangaroos involved, and that the import ban would be lifted for a minimum 2-year period. Briefly, the evidence presented by the Australian Government in support of lifting the ban was as follows: (1) The Australian States had developed effective management programs for the three kangaroos since the original rule rule in 1974; (2) the Australian States had adequately shown that taking and importation of the three species of kangaroos would not be detrimental to the survival of the species; and (3) improved censusing techniques had provided an overall estimate in excess of 32,000,000 adult kangaroos in New South Wales, South Australia, Western Australia, and Queensland.

In a document dated November 10, 1982, the Australian Government has now petitioned the Service to take two actions: (1) To continue allowing commercial importation of kangaroo products into the U.S.; and (2) to remove from any classification under the Act the red, eastern gray, and western gray kangaroos. The Australian Government submitted sufficiently substantial evidence in support of the petition that the Service is hereby publishing simultaneously two documents which would carry out both petitioned actions. The present document proposes removing these kangaroos from classification under the Act. A simultaneously published proposal would continue to allow commercial importation of kangaroo products into the U.S. If the rule to delist the kangaroos is first adopted the need to issue a separate final decision regarding commercial importations would be rendered moot and would be withdrawn. If the final delisting regulation is not adopted, the Service will complete its administrative action on the commercial importation issue and, in light of public comments received, either permit continued commercial importation or further restrict or prohibit such importation altogether. Thus, although the proposal to delist the kangaroos is the more significant of the two actions, the proposal to continue commercial importations is being submitted for public comment in order to maximize the Service's administrative options regarding kangaroos.

The following is a summary of the data presented by the Australian Government to support both proposed actions.

Data To Support Delisting and Continued Commercial Importation

In its final rule of April 29, 1981 (46 FR 23933), to remove the import ban on

kangaroos and kangaroo products, the Service presented the following reasons for maintaining their classification as Threatened: "Kangaroos are commercial commodities that are, and will continue to be, utilized in world trade. In the past, all three species under consideration have been overexploited in various areas, and in the opinion of some this condition could occur again. In addition, all three species are cyclical in nature, and may experience periods of great abundance and then decline to periods of relative scarcity * * *. The Service feels that the Threatened classification is warranted because of the susceptibility of the animals to overexploitation and because of the difficulty of predicting the severity and damage that might be caused by natural or man-made factors affecting them." In addition, the Service felt that lack of adequate law enforcement capability in Australia contributed to the threat to the three species of kangaroos.

In its petition to delist the red, eastern gray, and western gray kangaroos, the Australian Government presented substantial data which leads the Service to believe that the above views may no longer be valid. This petition, and its extensive appendices, are available to the general public for examination at the Service's Office of Endangered Species, but a summary of the main points is as follows:

Population Monitoring

The Australian States have greatly improved their monitoring techniques in the past 2 years. All the States now employ aerial surveys to estimate kangaroo numbers, and the aerial surveys have demonstrated that red, eastern gray, and western gray kangaroos do indeed occur in very large numbers. The results of these surveys are presented in the following table:

State or territory	Percent of State surveyed	Year	Species	Estimated population in percent of State surveyed
New South Wales	62	1982	Red	5,700,000
			E. & W. Gray	3,700,000
Queensland	36	1980	Red	1,800,000
			E. Gray	3,000,000
South Australia	24	1980–81	Red	1,949,800
			W. Gray	350,000
Western Australia	60	1981	Red	1,000,000
			W. Gray	500,000
Northern Territory	50	1981	Red	96,000
Victoria	40	1980	Red	3,100
			E. & W. Gray	35,000

It should be emphasized that the above estimates do not apply to each State as a whole, but only to the percentage of the State actually surveyed. The total number of kangaroos in each State would be much larger.

Objectives of Kangaroo Management

Because it supplied the Service with extensive data on individual State management plans in connection with the Service's 1980 review, the Australian Government in the present petition concentrated on the management of the kangaroos in recent years. According to the petition, the objectives of kangaroo management endorsed by the Australian Council of Nature Conservation Ministers in July 1981 are: (1) To maintain populations of all species of macropodids over their natural range; (2) to contain their deleterious effects on pastoral and agricultural production; and (3) to ensure that the best possible use is made of those kangaroos which have to be taken. The aim of kangaroo management is not to utilize kangaroos as a resource on a sustained yield basis. The commercial utilization of kangaroos is a management tool used by the government wildlife authorities to achieve the above stated objectives.

Current Situation

In each State where they occur, the three species of kangaroos are protected and may only be taken under permits issued by the relevant State wildlife authorities. Permits to cull populations of kangaroos may be granted only by responsible wildlife authorities who are committed in both policy and practice to the conservation of all species of macropodids. The State wildlife authorities are well-trained wildlife biologists, and are competent to manage kangaroos in their own States and to determine appropriate management requirements in each instance.

Regulation and Enforcement

The Australian States appear to have sufficient regulatory and enforcement power. All States employ enforcement officers specifically to police wildlife laws, and the Australian Government reports that in most States the level of enforcement has increased in recent years. In addition, wildlife laws are enforceable by State and Territory police stationed in country areas.

While it is true that illegal killing occurs, it is mostly by exasperated landholders who have been unable to secure the services of a professional shooter. It is not possible for kangaroos taken illegally to enter commercial trade because the the tight controls exercised over it, and there are no other outlets for the products of such shooting. Furthermore, licensed shooters, who are well dispersed throughout the pastoral areas of Australia, have frequently drawn the attention of wildlife authorities to any major incidents of illegal killing which they see as a threat to their livelihoods. In the unlikely event that illegal killing reached a significant level without the relevant authorities knowing, it would almost certainly be drawn to their attention by licensed shooters.

Control Over International Trade

The Commonwealth Government is responsible for export and import controls and has the power to regulate exports. Under the customs regulations, kangaroos and kangaroo products are prohibited from export unless an export permit is issued. To obtain an export permit, intending exporters must demonstrate to the Government's satisfaction that the skins and/or products were derived from animals taken in accordance with State laws under approved State management programs. Export figures for kangaroo skins for the 1980–81 and 1981–82 seasons are as follows:

Raw kangaroo furskins

	Total exported		Total exported to United States		U.S. trade as percent of total trade	
	By number	By value	By number	By value	By number	By value
1980–81	267,502	$1,321,961	33	$436	0.01	0.03
1981–82	214,682	1,161,388	7,256	28,649	3.38	2.47

Pickled kangaroo hides

	Total exported		Total exported to United States		U.S. trade as percent of total trade	
	By number	By value	By number	By value	By number	By value
1980–81	640,742	$3,306,401	1,700	$5,547	0.20	0.17
1981–82	1,325,925	6,703,423	64,146	294,842	4.74	4.40

Kangaroo meat, suitable for human and pet consumption, shipped to the U.S. during the period 1980–1982 was negligible. It can be seen from the above figures that U.S. trade in kangaroo products over the past several years has been a very insignificant part of overall trade.

Wildlife Protection (Regulation of Exports and Imports) Bill 1982

The Australian Government informs the Service that the Commonwealth has passed a major new piece of legislation to consolidate and strengthen arrangements for the protection of Australian wildlife by improving the effectiveness of its trade controls and to allow the Commonwealth to better implement the objectives of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The *Wildlife Protection (Regulation of Exports and Imports) Bill 1982* was assented to by the Australian Governor General on December 31, 1982 (that is to say it formally became effective on that day), and will come into operation on a date to be fixed by Proclamation in the near future.

With respect to Australian native fauna, the bill is based on the premise that commercial trade will only be permitted if it has been conclusively established that such trade will not adversely affect the species. Section 31 of the bill allows commercial trade in kangaroo products taken from the wild in accordance with an approved management program.

The bill places responsibility for the policy aspects of regulation of trade in wildlife with the Minister for Home Affairs and Environment. Administration of the bill will be by the Director of the Australian National Parks and Wildlife Service and enforcement will be by the Bureau of Customs and the Australian Federal Police. The Minister is able to make arrangements with the States and Territories on various aspects of the bill, including enforcement by State police forces and wildlife officers.

Research

A wide range of research on Kangaroo species has been carried out in recent years and is continuing. Much current research is aimed at improving the understanding of how kangaroos function in their environment, including studies of ecology, population dynamics, physiology, biochemistry, parasitology, and genetics. Surveys of distribution and habitat requirements leading to an improved knowledge of the ecology of both common and rare species continue in the field with particular emphasis on selection of suitable reserves and on methods of assessment of population status.

Aerial survey techniques were improved greatly in recent years. Such surveys now represent a valuable means of monitoring kangaroo population trends in the flat and undulating country which forms much of inland Australia.

Australia's Nature Conservation Reserve System

There has been in Australia the progressive development of a comprehensive national park and nature reserve system, and some 4 percent of Australia's land area was reserved for nature conservation as of June 30, 1980. A list of these reserves, showing the area of each, has been published by the Australian National Parks and Wildlife Service. Reservation of suitable areas is continuing; they now comprise about 118,000 square miles of territory. The Service had not been informed at the time of its 1980 review of the magnitude of land Australia has set aside as parks and reserves.

Australian States Management Plans

Each Australian State planning to engage in trade in kangaroo products submitted to the Service its management plans for the kangaroos during the course of the Service's 1980 review of the import ban question. In its subsequent action to allow such imports into the U.S., the Service found each of the management plans of the Australian States to be acceptable, and effective "sustained-yield" programs. The Service erred, however, in terming these programs "sustained-yield" since the Australian Government has now pointed out that none of the Australian States regard their kangaroos as renewable resources to be harvested. Instead, the Service should properly have called these plans "management programs." In the November 10, 1982, petition, the Australian States (New South Wales, Queensland, Western Australia, and South Australia) that submitted management plans for the 1980 review of the import ban situation submitted their current management plans for the kangaroos. While in 1980 some States lacked aerial surveys, all of the States have now instituted regular aerial surveys, and hence have more accurate estimates of their kangaroo numbers. The plans submitted in 1982 are in other aspects identical to those submitted in 1980, and the Service again determines that each of these plans presents an effective conservation program for the species concerned, and refers all interested parties to its April 29, 1981, rule (46 FR 23933), in which the import ban was lifted, for complete details on them.

At the time of the Service's earlier review of the States' management plans, however, the State of Victoria was not engaged in commercial trade involving kangaroos that were taken during its control operations, and hence submitted no management plan. This State has now decided to allow its kangaroos to enter international trade on a trial basis, and therefore its comments, submitted with the Australian petition, are herewith summarized.

For at least 30 years, Victoria has issued individual farmers permits to destroy kangaroos on their property when it was evident that the kangaroos were causing economic damage. Until 1980, it was the practice in this State to prohibit the removal or sale of carcasses from farms in order to discourage killing of kangaroos for any sort of commercial gain. During the 1970's, however, it became increasingly evident that changing economic conditions (high cost of labor, etc.) were making it impossible for farmers to carry out, at their own expense, the work needed to control kangaroos on their farms. In order to assist these farmers, Victoria decided in September 1980 to issue licenses on a trial basis to a small number of "Wildlife Controllers" (about 12) who are specially licensed to destroy kangaroos on behalf of farmers. So that it would not be necessary for farmers to pay for this service, which might tend to discourage its use, the "Wildlife Controllers" are allowed to remove kangaroos, up to the number permitted to be destroyed on the specific property to which they have been assigned, and to sell the skins and meat to a licensed Wildlife Processor; in mid-1982, 16 of

these Wildlife Processors were licensed in the State.

Since the provision to sell Victoria's kangaroo carcasses was introduced on a trial basis, no tagging system has been used. Both Wildlife Controllers and Wildlife Processors are required to keep standardized records of their transactions and submit quarterly returns. The results for the first year showed that less than 1,000 kangaroos were sold by all the Controllers, and it does not seem likely that any Controller could make a living from the operation. The procedure in Victoria is now under review, and if it is not shown to be serving its purpose of assisting in the control of kangaroos on farms, the State may abandon or modify the system.

According to Victoria, the changes over the past 2 years have not affected the number of kangaroos permitted to be destroyed. Permits continue to be issued only in an attempt to relieve damage on farmland, and safe culling levels are assured by restricting killing to agricultural land, while the vast majority of kangaroos are secure and protected on public lands which comprise most of their habitat in this State.

Kill Quotas

Comments have been made in the past that the Australian States set what seem to be unjustifiably high kill quotas for kangaroos. In 1982, the States set the following kill quotas: New South Wales, 550,000 red, 288,000 gray kangaroos; Queensland, 450,000 red, 900,000 eastern gray kangaroos; South Australia, 328,000 red, 64,100 western gray kangaroos; Victoria 28,500 eastern and western gray kangaroos. In addition, there have been objections raised regarding the methods used to kill kangaroos. In its petition, the Australian Government responds to these criticisms as follows:

Under State kangaroo management programs, species which require culling are taken under permit usually by professional kangaroo shooters. These shooters use rifles with telescopic sights and normally shoot the kangaroos cleanly in the head, a quick and humane method of killing. Inhumane methods of killing are not a feature of professional commercial culling where poor shooting adds to costs of taking kangaroos and further reduces returns because of waste of the damaged products.

The State wildlife authorities determine annual quotas for culling common species in their respective States. These are then forwarded to the Commonwealth Government for further consideration and national co-ordination. The Commonwealth Government is responsible for controlling the export of kangaroo skins and other products.

The kill quotas are not set with the idea of actually killing the number of kangaroos designated by the quota. As the State of Victoria points out, the kill quotas are not targets to be achieved. In reality, far fewer kangaroos are killed annually than the numbers specified in the kill quotas. Simply because Victoria has now set a quota of some 30,000 kangaroos, whereas the State formerly had no kill quota, does not mean that it intends to harvest 30,000 kangaroos for commercial purposes. What the quota actually means in that Victoria now has agreed to work within a limit of 30,000 kangaroos, whereas formerly it was not constrained by any such limit.

None of the Australian culling management programs aim at obtaining sustained yields from kangaroo populations, but all are concerned with reducing the impact of kangaroos on agricultural activities. The rate of annual culling rarely exceeds 10 percent of the kangaroo population. Available data indicate that a 10 percent culling level is well below the danger point for species such as the kangaroo populations where continuous breeding is possible. This point is even more cogent when it is realized that the take of kangaroos is preferentially biased towards males. Studies of the rate of increase of kangaroos and responses to culling are continuing in several States.

The development of industries based on kangaroo products is incidental to the primary aim of managing kangaroos, which is to maintain a balance between the needs of kangaroos, other species, man, and agricultural and pastoral industries. The kangaroo management programs, controlled by responsible government wildlife authorities, are designed to ensure that the killing of kangaroos is constantly monitored, and that reasonable numbers of kangaroos are present throughout their natural range.

Summary

An analysis of the specific concerns indicated by the U.S. Fish and Wildlife Service in its reasons for maintaining a Threatened listing for the red, eastern gray, and western gray kangaroos, can be reduced to the following four issues:

1. Has the lifting of the import ban by the U.S. had a detrimental effect on the status of the kangaroos?

2. Is there a likelihood of endangerment stemming from overexploitation of the three species, and a cyclical pattern of population growth and decline?

3. Is there a likelihood of endangerment by unforeseen catastrophe (such as prolonged drought, increased illegal poaching, etc.) in the absense of ability to impose ban by regulation?

4. Are the Australian regulatory and enforcement mechanisms sufficiently strong and effective to deal with any threat to prevent the likelihood of endangerment of kangaroos?

In light of the data provided by the Australian petition, the Service now feels that the above four considerations may no longer be valid justifications for threatened status for the following reasons:

1. Population monitoring programs show that the status of these kangaroos has not been affected by the lifting of the U.S. ban. Aerial surveying of kangaroo populations is now employed by all the states, and about 50 percent of the country has been surveyed. With this effective technique, it has now been demonstrated that over 18 million kangaroos occur in the surveyed areas alone, and these areas do not represent the best kangaroo habitat. Probably well over twice the number of kangaroos found in the surveyed areas occur throughout the country as a whole, which would place the total populations well over 32 million. In 1981, the Australian Government, with a much less accurate idea of the true number of kangaroos in the country, estimated a total population of 32 million. Thus, more accurate surveying has not demonstrated fewer numbers of kangaroos than were formerly believed to exist, and the lifting of the ban by the U.S. appears not to have had any detrimental effect on the status of the kangaroos.

2. The Service was mistaken in its 1981 rule in stating that kangaroo populations are cyclical in nature. Cyclical species are those that undergo regular, periodic declines and increases at specific intervals such as lemmings, snowshoe hares, and Arctic foxes. Kangaroo numbers, however, fluctuate, as do those of most other species, in good seasons and bad seasons. There is no evidence that these fluctuations are of sufficient magnitude to cause concern in relation to culling pressure. Management programs are flexible and conservative, and culling rates have been deliberately reduced when populations are depressed by drought. In addition, the kangaroos are not exploited for commercial purposes; the Australian States utilize sale of kangaroos as a management tool, and do not harvest kangaroos on a sustained yield basis. Therefore, there appears to be little or no potential for overexploitation of these kangaroos.

3. The Australian Government has assured the Service that, should some unforeseen decline in the managed kangaroo populations be detected, State wildlife authorities, backed by Commonwealth control over exports, would curtail commercial shooting before any action that the U.S. Government might contemplate would be justified. All States and Territories have established adequate monitoring programs to detect population changes long before the point of species endangerment becomes likely. In most parts of Australia commercial shooting would cease in any event before populations fall to low levels because of economic considerations.

4. The Australian Government has provided evidence that both State and Commonwealth laws are adequate to deal with any threat to kangaroos caused by man. Data demonstrate that State wildlife authorities have the power to prohibit shooting, and the Commonwealth has the authority to prohibit export and has in fact done so in the past. Should the need for a greater level of enforcement arise, the enforcement capability of all States includes not only wildlife officers appointed specifically to administer the laws but also the State police forces which maintain offices throughout rural Australia, and Commonwealth Customs officers who are available for field investigations.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments set forth procedures for determining whether any species in an Endangered Species or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act.

These factors, and their applicability to the red, eastern gray, and western gray kangaroos, are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.*—The red kangaroo ranges practically throughout the entire interior of Australia; the eastern gray kangaroo occupies approximately the eastern third of the country, and the western gray about one fifth in the south and southwest. Altogether, more than 2,500,000 sq. miles (nearly 7,000,000 sq. km.) comprise the combined ranges of the three species. Of this area, vast regions are essentially uninhabited by humans, and the kangaroos continue to exist as they have done for thousands of years, unmolested by people. Human settlement in Australia is concentrated along the eastern and southeastern coast, and in this region, people have drastically altered the environment. As a general rule, however, habitat modification has not been a threat to the kangaroos.

Aerial surveys have now been conducted in parts of all the mainland Australian States. Very roughly, about 40 to 50 percent of the country has been surveyed aerially, and reliable estimates of kangaroo numbers in these surveyed areas are available. They demonstrate that over 10,000,000 red kangaroos and nearly 8,000,000 gray kangaroos (both species combined) occur in the surveyed areas. It must be remembered that vast areas of land have not been aerially surveyed so that the actual numbers of kangaroos for the country as a whole are much higher than the above figures indicate. Thus, we have a situation where literally millions of kangaroos range over a sparsely inhabited region (total population about 15,000,000 people) of more than 2,500,000 sq. miles. In addition, the Australian Government has an active program of setting aside large tracts of land for national parks and nature reserves. At present, over 118,000 sq. miles of territory is protected in this way and provides much suitable protected habitat for the three species of kangaroos under consideration.

Because the new aerial surveys demonstrate with a good degree of accuracy that kangaroo numbers are high, and that there are vast areas of habitat which have not been modified by people, as well as large areas protected as parks or reserves, the Service does not feel that present or threatened habitat destruction, modification, or curtailment is a factor affecting the survival of the kangaroos.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.*—The kangaroo products enter heavily into commercial trade, but each State involved in this trade has recently developed a management plan which now provides, in the Service's opinion, ample protection to assure the kangaroos' survival and conservation. In addition, it should be noted that none of the States harvest kangaroos strictly for commercial gain; commercial trade is not the motive behind the control programs in which the States are involved. Since kangaroos compete directly with livestock for available food and water, they frequently come into conflict with human interests. This conflict results in antagonism on the part of ranchers and farmers who might, unless some relief is provided them, resort to illegal and dangerous control measures of their own. The Australian States utilize commercial trade as a management tool in that the funds derived from such trade support the needed kangaroo control programs. The Australian States can determine where and when kangaroos should be taken; they have the means to stop kangaroo take when evidence indicates it should be halted; and they have developed effective and uniform tagging systems to prevent illegally taken animals from entering commercial trade. The culling of excessive numbers of kangaroos as a conservation measure has been a management tool of the Australian States for many years, and the Service has no evidence now that this culling has been detrimental to any of the threee species of kangaroos in question. Commercial trade is a means of providing the needed funds for carrying out the management programs. Without the culling of excessive populations, the kangaroos might be threatened through local ranchers and farmers being forced to resort to control measures of their own which in the past have included such genuinely threatening practices as poisoning of water holes. Since the primary purpose for taking kangaroos is control of excess numbers and not commercial profit, and since the Australian States have now demonstrated their ability to carefully manage and regulate take, overutilization for commercial purposes does not seem to be a factor affecting the survival of the kangaroos.

C. *Disease or predation.*—There is no evidence that disease or predation significantly affects the red, eastern gray, or western gray kangaroos.

D. *Inadequacy of existing regulatory mechanisms.*—The Service accepts the Australian Government's assurance that all Australian States employ a sufficient number of enforcement officers to police wildlife laws; the Australian Government also assures the Service that in most States, the level of enforcement has increased in recent years. In addition, wildlife laws are enforceable by State and Territory police stationed in country areas. Based upon the testimony of the Australian Government, the Service feels that while a limited amount of illegal killing undoubtedly occurs, it is probably mostly by exasperated landholders who have been unable to secure the services of professional shooters. It is not possible for kangaroos illegally taken to enter the trade because of the tight control exercised over it, and there are no other outlets for the products of such shooting. Furthermore, licensed shooters, who are well dispersed

throughout many of the pastoral areas of Australia, have frequently informed wildlife authorities of any major incident of killing, which they see as a threat to their livelihoods.

In addition to being able to adequately police against illegal poaching, each Australian State has now developed management and conservation plans for the kangaroos that assure that commercial trade is properly regulated and controlled. Each State has introduced aerial surveys to accurately assess kangaroo numbers. This ensures that any declines will be noted long before any likelihood of endangerment. They have developed uniform tagging techniques, and have instituted regulations that assure that only legally taken animals enter the commercial trade market. Thus, the Australian management of commercial trade in kangaroos is now very comprehensive and adequate.

E. *Other natural or manmade factors affecting its continued existence.*—In the Service's April 29, 1981, rule removing the ban on import of kangaroo products into the United States, it listed the cyclical nature of kangaroo populations, and the possibility of unforeseen catastrophes, such as extended drought, as factors influencing the Service's decision to maintain Threatened status for the kangaroos. The Service has information now, however, which demonstrates that kangaroo populations are *not* cyclical, but fluctuating; just as in all animals, there are increases in populations in good seasons and declines in bad seasons. There is no indication that kangaroos undergo regular, periodic declines and increases in populations such as are found in true cyclical animals such as lemmings, snowshoe hares, or Arctic foxes. The fluctuations in kangaroo numbers are not of sufficient magnitude to cause a likelihood of endangerment when coupled with culling pressure. Management programs are flexible and conservative, and culling rates have been deliberately reduced when populations become depressed by adverse conditions. The size of the population, its wide range, and the availability of monitoring programs all indicate that unforeseen catastrophies are unlikely to endanger species' survival.

With regard to unforeseen catastrophes, such as drought, the Australian Government assures the Service that it would act to curtail commercial shooting before any action by the U.S. could be brought into effect under the U.S. Endangered Species Act. It points out that all States have monitoring programs to detect population changes. Thus the risk of an unforeseen decline continuing unnoticed to the point of endangerment is eliminated. In most parts of Australia, shooting would cease due to economic considerations before populations fell to a low level; i.e., the price paid to shooters for each kangaroo is very small, and there must be large numbers of kangaroos available for shooters to take in order for them to make any sort of profit. Given these assurances by the Australian Government, the Service now feels that there are no natural or manmade factors which might adversely affect kangaroo populations that cannot adequately be handled by professional wildlife authorities in Australia. These factors, therefore, apparently are no longer threats to the survival of the red, eastern gray, and western gray kangaroos.

Effects of This Rule

The red, eastern gray, and western gray kangaroos were listed as Threatened species in 1974. A special regulation was published at that time pertaining to these species, which made it unlawful to import them, or their parts or products, into the United States for commercial purposes until the Australian States could assure the U.S. that they had effective management plans for the kangaroos, and that taking would not be detrimental to their survival. On April 29, 1981, the Australian States met these conditions, and a special regulation was published in the **Federal Register** (46 FR 23938) which made it lawful to import these species of kangaroos for commercial purposes provided they were tagged or otherwise identified as removed from the wild in accordance with the management plans of the Australian States. In addition, any listed Threatened species can be imported into the U.S. under permit for scientific purposes, enhancement of propagation or survival, educational, zoological exhibition, or special purposes consistent with the purposes of the Act. If the present proposed rule is made final, the red, eastern gray, and western gray kangaroos will be removed from any classification under the Act, and hence none of the restrictions, regulations, or prohibitions of the Act would apply to them.

National Environmental Policy Act

An Environmental Assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 N. Glebe Road, Arlington, Virginia, and may be examined, by appointment, during regular business hours (7:45–4:15 p.m.). This assessment forms the basis for a decision that this will not be a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (40 CFR Parts 1500–1508).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in carrying out the purposes of the Act. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed rule are hereby solicited.

The Endangered Species Act also provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Author

The primary author of this proposed rule is John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235–1975).

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State quota and harvest figures for red, eastern gray and western gray kangaroos: 1976–1982 (from Australian petition).

Lists of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I Title 50 of the Code of Federal Regulations, as set forth below.

1. The authority citation for Part 17, reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

§ 17.11 [Amended]

2. It is proposed to amend § 17.11(h) by removing the entries under *Mammals* for the red kangaroo (*Macropus rufus*), the eastern gray kangaroo (*M. giganteus*, except subspecies *M. g. tasmaniensis*), and the western gray kangaroo (*M. fuliginosus*) from the list of endangered and threatened wildlife.

§ 17.40 [Amended]

3. It is proposed to remove and reserve for future use, § 17.40(a).

Dated: March 3, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-9169 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Continue Importation of Kangaroos and Kangaroo Products Into the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: On April 29, 1981, the U.S. Fish and Wildlife Service published a final rule in the **Federal Register** (46 FR 23929) that permitted the commercial importation of red, eastern gray, and western gray kangaroos, and products made from these kangaroos, into the United States for at least a 2-year period from the effective date of the final rule (May 29, 1983); prior to that action, these three kangaroos, which are listed as Threatened species pursuant to the Endangered Species Act of 1973 (hereinafter "the Act"), were not allowed to be commercially imported into the United States. In the preamble to the final rule, it was stated that at the close of the 2-year period the Service would again review the commercial importation situation. This proposal notifies the public that the Service has received substantial data, through a petition from the Austrialian Government dated November 10, 1982, that continued commercial importation of the kangaroos is warranted. The same petition also requested, in the alternative, that these kangaroos be delisted entirely and removed from protection under the Endangered Species Act. The Fish and Wildlife Service is proposing such a rule to delist the kangaroos simultaneously with this proposal regarding the continuation of commercial importation. The continued importation of red, eastern gray, and western gray kangaroos (and their parts and products) into the United States would only be the subject of a final administrative decision if final action has not first been taken on the alternative proposal (published elsewhere in this issue) to delist these kangaroos or if that proposal is rejected.

DATES: Comments from the public must be received by May 9, 1983.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, 1000, North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia (703/235–2771).

SUPPLEMENTARY INFORMATION: The red, eastern gray, and western gray kangaroos (*Macropus rufus, M. giganteus,* and *M. fuliginosus)* were listed as Threatened species, pursuant to the Endangered Species Act of 1973, on December 30, 1974 (39 FR 44990) (except the Tasmanian forester, *M. g. tasmaniensis,* which was listed as Endangered in 1973 and will remain unaffected by the present proposal), by special regulation, commercial importation of these kangaroos was prohibited at that time until the Australian States could demonstrate that they had developed effective management plans, and that the take of the kangaroo would not be detrimental to their survival.

On April 29, 1981, the U.S. Fish and Wildlife Service published a final rule in the **Federal Register** (46 FR 23929) which found that the Australian States had met the above requirements, and that kangaroos could be imported into the U.S. beginning on May 29, 1981. The preamble to the rule stated that, at the end of the 2-year period following that date, the Service would review the commercial importation of kangaroos.

On November 10, 1982, the Australian Government petitioned the Service to 1) continue commercial importation of kangaroos beyond the 2-year period, and in the alternative, 2) to entirely remove these kangaroos from classification under the Act. The Australian Government submitted substantial information to support the petition and the Service is hereby publishing a proposal to continue the rule, in response to the first part of the petition, allowing a continuation of commercial importation. Simultaneously, in this same proposed rules section of this issue of the **Federal Register**, the Service is publishing a proposed rule to remove the kangaroos from the Threatened classification of the Act. In such proposed rule, the Service presents in detail the evidence submitted by the Australian Government in support of the petitioned

action concerning delisting the kangaroos. This evidence is also the basis for the petitioned action to continue to allow commercial importation into the United States. Since the delisting proposal is being published simultaneously with this document the Service will merely summarize the essential data, and refer interested persons to the more detailed analysis presented in the delisting proposal. These data may be summarized as follows:

1. All of the Australian States have developed effective conservation programs for the kangaroos that include the authority to halt kangaroo take if necessary for conservation purposes.

2. Each State now uses aerial surveys to estimate and monitor kangaroo numbers; these surveys (covering roughly 50 percent of Australia) demonstrate that kangaroos number in the tens of millions.

3. Australia is a country nearly the size of the U.S., yet has a population of only some 15,000,000 people, mainly settled along the eastern and southern coast; thus, vast areas of the country contain virtually undisturbed habitat for the kangaroos.

4. The Australian Government has a continuing policy of setting up large tracts of land for national parks and reserves. At present over 118,000 square miles of territory is protected in these parks and preserves, and these protected areas provide much suitable, unmolested habitat for the kangaroos.

5. The Australian States do not manage kangaroos as a renewable resource and do not seek a sustained yield harvest of the species. Rather, the take of kangaroos is directly related to relieving population pressures in certain area in which kangaroos and human interests conflict. By taking this action, the Australian States reduce the probability that ranches and farmers will resort to illegal killing of the kangaroos.

6. The U.S. removal of the ban on kangaroos imports has had no adverse effects on kangaroo populations. In fact, the number of kangaroo products (skins, pickled hides, and meat) exported to the U.S. has been a relatively insignificant percentage of the number of such products exported worldwide. In the 1981–82 season, the U.S. market consumed less than 4 percent of the furskins exported; less than 5 percent of the pickled hides; and very little meat for animal or human consumption.

Even if the Australian States were managing their kangaroos as a commercial resource, the U.S. import of kangaroo products has been so small that it would have had minimal effect on the take of kangaroos.

7. In brief, there is no evidence at this time that these species of kangaroos are worse off than they were on April 29, 1981, or that lifting of import prohibition has worsened their lot. There is evidence that their protections have, on the contrary, improved.

For the above reasons (which are discussed in greater detail in the proposal to delist these kangaroos published simultaneously with the present proposal), the Service proposes to continue to permit the commercial importation of kangaroos and kangaroo products into the U.S. beyond May 29, 1983. To the extent that a final administrative decision to delist the kangaroos entirely would render moot the issue of commercial importations, the Service may do one of three things in light of public comments received on both proposals. First, if a final rule delisting the kangaroos is ultimately adopted prior to final disposition of this rulemaking, the present proposal regarding commercial importation would be rendered moot and withdrawn. In the alternative, if such a final delisting regulation is not adopted the Service will then proceed with this administrative action on the commercial importation. In light of public comments received, the Service will either allow a continuation of commercial importation, further restrict it, or prohibit it altogether.

Thus, although the delisting proposal is the more significant of the two proposals, the present proposal on commercial importation is being submitted for public comment in order to give the Service the greatest possible administrative latitude regarding kangaroo import.

National Environmental Policy Act

An environmental assessment has been prepared in conjunction with this proposal. This assessment addresses all of the points relevant to continuation of importation, and is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia; it may be examined, by appointment, during regular business hours (7:45 a.m. to 4:15 p.m.). This assessment leads tentatively to a decision that this will not be a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR parts 1500–1508).

Public Comments Solicited

The Service intends that the decision finally adopted will be as accurate and effective as possible in carrying out the purposes of the Act. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposal is hereby solicited.

Statement of Effects and Certification of Effects on Small Entities

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It will continue to permit activities now engaged in, and thus will have no effect on small entities nor on the economy in general.

Information Collection Requirements

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. *et seq.*

Author

The primary author of this proposal is John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235–1975).

References

The sources used in preparing the proposal are the same as those used to prepare the proposed rule to delist the kangaroos that is being published simultaneously with this document. Interested persons should consult that document for a list of these references.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposal To Continue Rule

PART 17—[AMENDED]

Accordingly, it is hereby proposed to continue importation of kangaroos under 50 CFR 17.40(a)(1)(i)(B) as set forth below.

1. The authority citation for Part 17, reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

2. It is hereby proposed to continue allowing commercial importation of eastern gray, red, and western gray kangaroos under rules contained in 50 CFR 17.40(a)(1)(i)(B) which reads as follows:

§ 17.40 Special rules—mammals.

(a) * * *

(1) * * *

(i) * * *

(B) Eastern gray, red, and western gray kangaroos—including parts and products of such wildlife—which have been tagged or otherwise identified as removed from the wild in accordance with the management plans of Australian States may continue to be imported into the United States without permits for individual shipments otherwise required by 50 CFR Part 17. Continued importation into the United States must comply with the requirements of 50 CFR Part 14. Service forms 3-177, Declaration for Importation or Exportation of Fish and Wildlife, filed with the U.S. Customs Service upon import shall satisfy the reporting requirements of 50 CFR Part 14, Subpart C.

Dated: March 3, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-9170 Filed 4-7-83; 8:45 am]

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S.J. Res. 32/Pub. L. 98–18 To provide for the designation of May 1983 as "National Arthritis Month". (Apr. 5, 1983; 97 Stat. 61) Price: $1.75

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