OK

4-11-83
Vol. 48 No. 70
Pages 15437-15590

federal register

Monday
April 11, 1983

Selected Subjects

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

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.

Selected Subjects

Contents

Federal Register
Vol. 48, No. 70
Monday, April 11, 1983

20

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Federal Register
Vol. 48, No. 70
Monday, April 11, 1983

Presidential Documents

Title 3—

The President

Proclamation 5043 of April 7, 1983

Cancer Control Month, 1983

By the President of the United States of America

A Proclamation

Cancer is a major concern to the American people because statistics demonstrate that at least one out of four Americans now living will become a victim of this disease. However, it is important to recognize that we are making progress against this dread killer—in basic research, in prevention, and in bringing the fruits of cancer research to the community.

Recent empirical studies and basic research are bringing us close to an understanding of how best to prevent, diagnose, and treat cancer. Such scientific advances as the discovery of the oncogene, or cancer gene, have provided fresh insights into the molecular process of this disease. Also on the horizon are positive developments in several areas that enhance our ability to deal with this disease syndrome: e.g., the utilization of hyperthermia, improved immunotherapeutic techniques that include the use of monoclonal antibodies and new vaccines, and approaches to surgery that, while less severe in nature, remain a major weapon in our arsenal.

We continue to gather information indicating that life-style and environment play a significant part in the incidence of cancer. Today there is a growing awareness of carcinogens and radiation as causative factors in cancer development. We recognize more fully the importance of diet and nutrition as factors in the development and prevention of this disease. As we evaluate the incidence of cancer among various groups of people, we may be able to identify substances that can have a chemopreventive effect on the population as a whole.

Reports issued by the Surgeon General increasingly link cigarette smoking with cancer of the lung and other parts of the body.

A concerted effort has begun to bring the latest advances in cancer care and treatment to the community at large in a more effective way than ever before. We hope that with the goodwill, determination, and support of the American people, our continued progress will eventually lead to the control and prevention of this tragic disease.

In 1938, the Congress of the United States passed a joint resolution requesting the President to issue an annual proclamation declaring April to be Cancer Control Month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of April, 1983, as Cancer Control Month. I invite the Governors of the fifty States and the Commonwealth of Puerto Rico, and the appropriate officials of all other areas under the United States flag, to issue similar proclamations. I also ask the health care profes-

sionals, the communications industry, and all other interested persons and groups to unite during this appointed time to reaffirm publicly our Nation's continuing commitment to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh 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. 83-9667
Filed 4-8-83; 11:59 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5044 of April 7, 1983

Crime Victims Week, 1983

By the President of the United States of America

A Proclamation

For too many years, the scales of justice—the very hallmark of our free society—have been out of balance. Too often innocent victims of crime turn to their government for protection and support only to find that the criminal justice system seems unable to achieve two of its fundamental purposes—protecting those who obey the law and punishing those who break it. Victims and their families must bear the physical, financial, and emotional impact of the crime. It is unjust and inexcusable when they are ignored or mistreated by this system. Victims called for help, and they needed our assistance. Frequently, their pleas have been unheard and their needs have gone unattended.

These were the conclusions of the President's Task Force on Victims of Crime that I established last year. The Task Force conducted hearings around the country, taking testimony from professionals within and outside the system and, most importantly, from victims themselves. The Task Force concluded that the neglect and mistreatment of crime victims are a national disgrace.

I asked the Task Force for recommendations to restore balance to our system. It submitted 68 specific recommendations directed to the Executive Branch and the Congress, State and local legislative bodies, law enforcement officers, the judiciary, prosecutors, defense attorneys, parole boards, bar associations, the religious community, schools, hospitals, the mental health professionals, and the private sector.

No segment of our society should refuse to recognize its responsibility to help. This Administration has already begun implementation of the Task Force's recommendations.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning April 17, 1983, as Crime Victims Week. I urge officials at all levels of government to take immediate and decisive action to meet the needs of crime victims in their jurisdictions. I urge every American to take action to ease the burdens faced by innocent victims. I urge the victims themselves not to despair. You have made us aware of the inequities you have faced, and we are moving forward to correct them. For too long the justice system has failed to address adequately the rights of victims. The time has come to restore the balance. If our system is to survive, it must truly bring justice to all who seek it.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th 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. 83-9668
Filed 4-8-83; 12 noon]
Billing code 3195-0-M

Presidential Documents

Proclamation 5045 of April 7, 1983

National Defense Transportation Day and National Transportation Week, 1983

By the President of the United States of America

A Proclamation

From Maine to Hawaii, from the Alaskan border to the Gulf of Mexico, America is a land unified, strengthened, and enriched by transportation. We enjoy a mobility unparalleled anywhere in the world. Our transportation systems—land, water, and air—enable us to work where we choose, travel where we please, and ship the products of our farms and factories across the country and around the world.

Through the years, transportation developments have paced the growth and progress of our Nation, led to innovations in other industries, contributed significantly to the expansion of our country, and strengthened our defense and the vitality of our economy. Transportation has become one of America's greatest and most valued assets, and the people of the transportation industries are an essential segment of our society.

The Nation has experienced enormous progress in all forms of transportation, from the earliest Erie Canal boats to today's vast inland waterway system; from the clipper ship to the container ship; from yesterday's primitive Lancaster turnpike to our modern 42,000-mile network of interstate highways; from the ribbons of rail that fused a continent to a national rail complex that carries one-and-a-half billion tons of cargo a year; from the first fledgling flight at Kitty Hawk to a national system serving 300 million passengers and hundreds of thousands of general aviation flyers a year; from horse-drawn transit vehicles to today's sleek urban rail cars and buses. America and its transportation industries have grown and prospered, providing employment, security, safe and efficient mobility for all Americans, and opening avenues to the future with such visionary projects as NASA's space shuttle program.

In recognition of the importance of transportation in America and to honor the millions of Americans who serve and supply our transportation needs, the Congress, by joint resolution approved May 16, 1957, has requested that the third Friday in May of each year be designated National Defense Transportation Day; and by a joint resolution approved May 14, 1962, that the week in which that Friday falls be proclaimed National Transportation Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Friday, May 20, 1983 as National Defense Transportation Day and the week beginning May 15, 1983 as National Transportation Week, and I urge the people of the United States to observe this occasion with appropriate ceremonies which will give full recognition to the importance of our transportation system and the maintenance of its facilities.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th 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. 83-9669
Filed 4-8-83; 12:01 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5046 of April 7, 1983

World Trade Week, 1983

By the President of the United States of America

A Proclamation

The United States is firmly linked with other nations in the global economy by mutually benefical international trade. Exports now account for more than 16 percent of the total value of all goods produced in this country. Two of every five acres of farmland produce for export, and one of every eight jobs in manufacturing depends on overseas trade. Indeed, four of every five new manufacturing jobs are export-related.

As the world's largest trading Nation, the United States has much to gain from the continued expansion of world trade and much to lose if it is diminished. As a country that has been built on economic freedom, America must be an unrelenting advocate of free trade.

As an integral part of the marketplace, the free flow of goods and services across international borders serves to raise the living standards and promote the well-being of people throughout the globe. It inspires private initiative and the entrepreneurial spirit which leads to more open markets, greater freedom, and serves as a boon to human progress. In an interdependent world made smaller by modern communications, free trade is even more essential for the continued economic growth and advancement of both industrialized and developing nations. America must not be tempted to turn to protectionism, but lead the way toward freer trade and more open makets where our producers and trading partners can compete on a fair and equal basis.

Despite the high volume of our international trade, we still are far from matching the international sales efforts of our leading competitors. Only ten percent of our firms export, and only seven percent of our gross national product finds its way into foreign markets—less than half the percentage of our major trading partners.

In this increasingly interdependent world, American business must focus more of its efforts on exporting our goods and services. A promising new tool is now available to increase export participation: the Export Trading Company Act of 1982. This law will help American businesses, particularly small and medium-sized companies, to organize themselves for stronger export efforts with considerably less hindrance by government regulation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 22, 1983, as World Trade Week, and I invite the people of the United States to join in appropriate observances to affirm the enormous potential international trade has for creating jobs and stimulating economic activity in this country, as well as for generating prosperity the world over.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th 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. 83-9670
Filed 4-8-83; 12:02 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 48, No. 70
Monday, April 11, 1983

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0447]

Regulation Q, Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Amendment of Board Order temporarily suspending the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, flooding and mud slides in the designated California counties on March 11, 1983. This action expands that Order to include additional counties in California.

DATES: Effective Date: March 11, 1983, for the counties of Shasta and Yolo; March 17, 1983, for the counties of Riverside, Solano and Trinity; March 21, 1983, for the counties of Madera, Napa, Placer, Stanislaus, Tulare, and Merced; March 28, 1983, for the counties of San Joaquin and Yuba; March 29, 1983, for the county of Sacramento; March 30, 1983, for the county of Fresno; and April 1, 1983, for the counties of Del Norte and Humboldt.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452-3711) or Elaine M. Boutilier, Attorney (202/452-2418), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On February 9, 1983, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the California counties of Alameda, Colusa, Contra Costa, Lake, Los Angeles, Marin, Mendocino, Orange, San Benito, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma, Ventura, Monterey, Butte, Glenn, Kern, Kings, Sutter, Tehama, and San Bernadino, major disaster areas. The Board regarded the President's actions as recognition by the Federal Government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board of Governors, acting through its Secretary, pursuant to delegated authority, suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors suffering property or other financial loss in the disaster areas as a result of severe storms, flooding and mud slides beginning on or about January 21, 1983. (48 FR 11255, March 17, 1983). Subsequent to this action, the Presidential declaration of a major disaster has been amended to include additional California counties. The Board therefore believes it appropriate to amend its Order to include the additional California counties. The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of severe storms, flooding and mud slides beginning on or about January 21, 1983. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This amendment will be retroactive to March 11, 1983, for the counties of Shasta and Yolo; to March 17, 1983, for the counties of Riverside, Solano, and Trinity; to March 21, 1983, for the counties of Madera, Napa, Placer, Stanislaus, Tulare, and Merced; to March 28, 1983, for the counties of San Joaquin and Yuba; to March 29, 1983, for the county of Sacramento; to March 30, 1983, for the county of Fresno; and to April 1, 1983, for the counties of Del Norte and Humboldt, and will remain in effect until 12 midnight, September 11, 1983, for these additional counties.

List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated counties of California directly affected by the severe storms, flooding and mud slides, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, April 5, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-9396 Filed 4-8-83; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-24-AD; Amendment 39-4628]

Airworthiness Directives; Beech Models F90, 200, 200C, 200CT, 200T, B200 and B200C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Beech Models F90, 200, 200C, 200CT, 200T, B200 and B200C airplanes which requires inspection of the windows to determine whether they are multi-ply or single-ply and replacement of all single-ply windows with multi-ply windows. The FAA has determined that single-ply windows may have been installed in some airplanes of the affected models in which multi-ply windows are required by the type certification basis. The required

inspection and replacement of any single-ply windows installed will assure that affected airplanes will meet the level of safety established by the type certification requirements.

DATES Effective date: April 18, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Beechcraft Service Instructions Number 1214 applicable to this AD may be obtained from Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, P.O. Box 85, Wichita, Kansas 67201. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Ross R. Spencer, Airframe Branch, ACE-120W, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269-7005, FTS 752-7005.

SUPPLEMENTARY INFORMATION: Following a failure of a window precipitated by stress crazing on a Beech Model A200 airplane which resulted in loss of cabin pressurization, the manufacturer initiated an inspection program to establish the window configuration of all Model A200 airplanes in service. These models, as well as some Models F90 and 200 airplanes, were examined. The results of this program and review of the manufacturer's inspection procedures indicated that airplanes in which multi-ply windows are required to be installed may have been equipped with single-ply windows. The manufacturer has identified the affected airplanes by model and serial numbers. It has issued Beechcraft Service Instructions No. 1214 to provide this information and criteria for inspection and identification of the windows in these airplanes. Any single-ply windows found are to be replaced with the correct multi-ply windows. If the required windows are not installed, failure of a single-ply window could result in cabin decompression and possible occupant injury.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring inspection of the windows to determine whether the windows are single-ply or multi-ply and replacement of any single-ply windows found in accordance with the criteria in Beechcraft Service Instructions Number 1214 on Beech Models F90, 200, 200C, 200CT, 200T, B200 and B200C airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Beech: Applies to Models F90 (S/Ns LA-2 through LA-7 and LA-103 through LA-146), 200 (S/Ns BB-2 through BB-525, BB-789 through BB-792, BB-794 through BB-828 and BB-830 through BB-852), 200C (S/Ns BL-18 through BL-36), 200CT (S/N BN-1), 200T (S/Ns BT-1 through BT-7), B200 (S/Ns BB-793, BB-829, BB-854 through BB-868, and BB-870) and B200C (S/N BL-37) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent decompression and possible injury caused by failure of a one-ply window that may have been installed instead of the required multi-ply window, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(a) Inspect all windows and replace each one-ply window that is found with the required multi-ply window in accordance with the criteria contained in Beechcraft Service Instructions Number 1214.

(b) Airplanes may be flown in accordance with Federal Aviation Regulation 21.197 to a place where this AD may be accomplished, provided a maximum pressure altitude of 25,000 feet and a maximum differential cabin pressure of 4.6 pounds per square inch is not exceeded.

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

This amendment becomes effective on April 18, 1983.

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

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

Issued in Kansas City, Missouri, on March 30, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9206 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 83-NM-12-AD; Amdt. 39-4608]

Airworthiness Directives: British Aerospace Corporation Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) applicable to BAC 1-11 200 and 400 series airplanes by deleting the requirement for repetitive replacement of hydraulic valves. Service experience has shown that use of Skydrol 500A hydraulic fluid does not have a deleterious effect on these valves.

DATE: Effective April 13, 1983.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Paragraph (a) of AD 68-14-03 (33 FR 9810, July 9, 1968) currently requires replacement of rudder and elevator feel simulator valves, Hobson Part Nos. CHA504-274 or CHA504-405 which have been operated with Skydrol 500A hydraulic fluid at intervals of 6000 hours time in service. The FAA has

determined, based on service experience and testing, that this replacement requirement can be deleted without compromising safety.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Based on the additional in-service experience and additional tests done by the manufacturer, the replacement requirements of AD 68-14-03 are deleted.

Since this amendment only removes a requirement to replace the valves, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive (AD) 68-14-03, Amendment 39-69, by deleting paragraph (a).

This amendment becomes effective—April 13, 1983.

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

Note.—The Federal Aviation Administration has determined that this document involves an amendment that is relieving in nature and does not impose any additional burden on any person. Therefore: (1) it is not major under Executive Order 12291 (46 FR 13193; February 19, 1981); and (2) it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I certify that it will not have a sigificant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because it is relieving in nature and it involves few small entities.

Issued in Seattle, Washington on March 24, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-9205 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-110-AD; Amdt. 39-4616]

Airworthiness Directives: British Aerospace BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) applicable to BAC 1-11 airplanes by: (1) providing for terminating action; (2) extending the repetitive inspection interval; and (3) revising the area to be inspected. Except for item 3 above, this amendment is relieving in nature. Service experience has shown a need to increase the area of inspection on the 200 series airplanes to detect flap secondary drive shaft failures.

DATES: Effective April 14, 1983.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to British Aerospace, Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: British Aerospace (BAe) BAC 1-11 Alert Service Bulletin 27-A-PM5341, Issue 1, specified inspections of the flap secondary drive shafts and repairs, as necessary. Subsequently, Issue 2 and Issue 3 were released specifying a smaller area of inspection of the flap secondary drive shafts for the 400 series airplanes, but reports of failures of flap secondary drive shafts in the main area of wing rib 1-6 for the 200 series airplanes required an increase in the inspection area for these series airplanes. The inspection intervals were relaxed for both series airplanes. The incorporation of Modification PM5341 which involves the installation of improved secondary drive shafts eliminates the life limitations and repetitive inspections.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is being issued which amends AD 77-17-10 by requiring compliance with BAe BAC 1-11 Alert Service Bulletin 27-A-PM5341, Issue 3, and by adding BAe BAC 1-11 Modification 5341 which, if an operator chooses to incorporate, terminates the inspections required by AD 77-17-10.

Since a situation exists for the BAC 1-11 Series 200 airplanes that requires the immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days. The aspect of this AD applicable to all BAC 1-11 series 400 airplanes is relieving.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 77-17-10, Amendment 39-3021, as follows:

A. Revise paragraphs (a), (b), and (c) to read as follows:

"(a) Inspect the spanwise secondary drive shafts between wing ribs (L.H. and R.H.) 1 and 14 for failure or damage in accordance with paragraph 2.4 of the "Accomplishment Instructions" of British Aerospace BAC 1-11 Alert Service Bulletin 27-A-PM5341, Issue 3, dated September 28, 1981, or an FAA-approved equivalent, as follows:

(1) For flap secondary drive shafts with less than 24,000 hours total time in service on the effective date of this AD, within the next 1200 hours time in service or prior to exceeding 3600 hours total time in service, whichever occurs later, unless already accomplished within the preceding 2400 hours time in service.

(2) For flap secondary drive shafts with 24,000 or more hours time in service on the effective date of this AD, within the next 1200 hours time in service, unless already accomplished within the preceding 1200 hours time in service.

(b) Repeat the inspection required by paragraph (a) of this AD as follows:

(1) For flap secondary drive shafts with more than 3600 but less than 24,000 hours total time in service, at intervals not to exceed 3600 hours time in service from the last inspection.

(2) For flap secondary drive shafts with 24,000 or more hours total time in service, at intervals not to exceed 2400 hours time in service from the last inspection.

(c) The repetitive inspections required by paragraphs (b) and (f) of this AD may be discontinued when the complete flap secondary drive shaft is replaced, repaired, or overhauled in accordance with paragraph (d) or (e) of this AD or when Modification 5341 is incorporated in accordance with the service bulletin."

B. Amend paragraphs (e) and (g) by replacing the words "British Aircraft Corporation Alert Service Bulletin 27-A-PM5341, Issue 1, dated November 28, 1975" with "the service bulletin."

This amendment becomes effective April 14, 1983.

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

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

Issued in Seattle, Washington on March 25, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-9203 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 83-CE-21-AD; Amendment 39-4617]

Airworthiness Directive; British Aerospace, Aircraft Group, Model HP.137 Jetstream MK.1 and Jetstream Series 200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to British Aerospace, Aircraft Group, Model HP.137 Jetstream MK.1 and Series 200 airplanes which requires restricting the maximum cabin differential pressure to 4.0 PSI or 2.5 PSI depending on the number of pressure cycles the airplanes have accumulated. During fatigue testing of the pressure vessel, cracking of the front pressure bulkhead boundary angle developed from repeated pressure loading. Restricting the maximum cabin differential pressure will eliminate the potential for a catastrophic failure of the pressure vessel and resultant cabin depressurization.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: British Aerospace, Aircraft Group, Jetstream Service Bulletin (SB) No. 6/7 dated October 7, 1980, and British Aerospace, Aircraft Group, Jetstream Modification Numbers 5022 Issue 1, dated April 1972, 5115 Issue 1, dated November 1980, and Modification Numbers 5151 Issue 1, and 5152 Issue 1, both dated August 1981, applicable to this AD may be obtained from British Aerospace Incorporated, 13850 McLearen Road, Dulles Industrial Aerospace Park, Herndon, Virginia 22070. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Aerospace Engineer, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: During fatigue testing, cracking of the front pressure bulkhead boundary angle had occurred due to repeated differential pressure loads applied to the pressure vessel. Although these cracks occurred during fatigue testing of the airplane, the test conditions closely approximate service use of the airplane. As a result, British Aerospace, Aircraft Group, Scottish Division, has issued SB No. 6/7, which restricts the maximum cabin differential pressure to 4.0 PSI if the airplane has accumulated between 2,000 and 13,000 pressure cycles. If the airplane has accumulated 13,000 or more pressure cycles SB No. 6/7 specifies a maximum differential pressure of 2.5 PSI SB No. 6/7 also specifies that the glass of the differential pressure gauge be marked at 2.5 or 4.0 PSI, as appropriate, with a red line extended to the case of the instrument. Extending the red line to the case will avoid confusion if the glass cover is rotated for any reason. British Aerospace Modification Nos. 5151 and 5152 specifies installing a 4.0 PSI or a 2.5 PSI safety valve respectively, depending on pressure cycle accumulation. None of these restrictions are applicable when British Aerospace Modification No. 5115 is installed.

The United Kingdom Civil Aviation Authority (UKCAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of British Aerospace, Aircraft Group, Scottish Division, SB No. 6/7 dated October 7, 1980 and the mandatory classification of this SB by the UKCAA.

Based on the foregoing, the FAA has determined that the condition addressed by this SB is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring that the maximum cabin differential pressure be restricted to 2.5 PSI or 4.0 PSI as appropriate on British Aerospace, Aircraft Group, Scottish Division, Model HP.137 Jetstream MK.1 and Jetstream series 200 airplanes, unless or until Modification No. 5115 is installed.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

British Aerospace, Aircraft Group, Scottish Division: Applies to Model HP. 137

Jetstream MK.1 and Jetstream Series 200 airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent cracking of the front pressure bulkhead boundary angle and possible catastrophic depressurization, accomplish the following:

(a) For all affected airplanes with 12,900 or more flights, unless British Aerospace Modification No. 5115 is installed, within the next 100 flights after the effective date of this AD, apply a red line to the cabin differential pressure gauge to indicate that the maximum allowable differential pressure is 2.5 PSI. Extend the red line to the case of the instrument to avoid confusion if the glass cover is rotated.

(b) For all other affected airplanes with less than 12,900 flights, unless British Aerospace Modification No. 5115 is installed, within the next 100 flights after the effective date of this AD or upon the accumulation of 2,000 flights, whichever occurs later, apply a red line to the cabin differential pressure gauge to indicate that the maximum allowable differential pressure is 4.0 PSI except that in no case shall airplanes in this group be allowed to accumulate more than 13,000 flights without having the cabin differential pressure gauge remarked with a red line at 2.5 PSI in accordance with paragraph (a) of this AD. Extend the red line to the case of the instrument to avoid confusion if the glass cover is rotated.

(c) For all aircraft modified per paragaphs (a) and (b) of this AD, fabricate a placard to read as follows and install it adjacent to the pressure differential gauge:

(1) For aircraft affected by paragraph (a) of this AD: "2.5 PSI max. press. difference".

(2) For aircraft affected by paragraph (b) of this AD: "4.0 PSI max. press. difference".

(d) Within the next 500 flights after the effective date of this AD on all affected airplanes, unless British Aerospace Modification No. 5115 is installed, modify the pressurization systems in accordance with British Aerospace, Aircraft Group Modification No. 5151, Issue 1, dated August 1981 or Modification No. 5152, Issue 1, dated August 1981, as appropriate to limit maximum pressurization to 4.0 PSI or 2.5 PSI respectively.

(e) For purposes of complying with this AD, subject to the acceptance by the assigned FAA maintenance inspector, the number of flights may be determined by multiplying each airplane's hours time-in-service by two.

(f) The modifications specified by paragraphs (a), (b) and (c), or (d) of this AD are no longer applicable when British Aerospace Modificaton No. 5115 is installed.

(g) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(h) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

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

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

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9202 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 80-SO-59; Amdt. 39-4625]

Airworthiness Directives; Great Lakes Models 2T-1A-1 and 2T-1A-2 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 80-21-12, Amendment 39-3940, applicable to Great Lakes Models 2T-1A-1 and 2T-1A-2 airplanes with Lycoming IO-360 or AEIO-360 engines by adding an optional means of compliance. The manufacturer has developed an easier modification incorporating a louver to the cowl, which accomplishes the same objective as the original AD. The revision makes this means of compliance available to all owners.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Great Lakes Drawing No. 50105, Sheet 3 of 4, Revision C, applicable to this AD, may be obtained from Great Lakes Aircraft Company, Drawer A, Eastman, Georgia 31023; Telephone (912) 374-5535. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Robert R. Goodall, Aerospace Engineer, Propulsion Branch, ACE-140A, Atlanta Aircraft Certification Office, FAA, Central Region, 1075 Inner Loop Road, College Park, Georgia 30337; Telephone (405) 763-7435.

SUPPLEMENTARY INFORMATION: To prevent oil inlet temperature from exceeding acceptable limits, the FAA issued AD 80-21-12, Amendment 39-3940, which required modification of the oil cooler installation on Great Lakes Models 2T-1A-1 and 2T-1A-2 airplanes in accordance with Great Lakes Service Bulletin No. 11, dated September 1, 1980. This modification included, among other actions, relocation of the oil cooler. Subsequently, the manufacturer has developed a modification incorporating a louver plate and louver backing plate on the side of the belly cowling which does not involve moving the oil cooler.

The FAA has determined by test that this optional means of compliance will provide adequate engine oil cooling and will meet the intent of the original Airworthiness Directive. Therefore, the FAA is revising AD 80-21-12 by incorporating an optional means of compliance which permits the oil cooler radiator to remain in its original location on the firewall. It requires the fabrication and installation of a louver plate (P/N 50105-33) and louver backing plate (P/N 50105-32) on the side of the belly cowling in accordance with Great Lakes Drawing Number 50105, Sheet 3 of 4, Revision C, on Great Lakes Models 2T-1A-1 and 2T-1A-2 airplanes. For purposes of clarification, AD 80-21-12, as revised, is being reissued in its entirety.

Since this amendment provides an alternative means of compliance, which includes a cost reduction and will not compromise safety, notice and public procedure hereon are unnecessary and not in the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, AD 80-21-12, Amendment 39-3940, 45 FR 67646, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is revised and reissued to read as follows:

Great Lakes Aircraft Corporation: Applies to Models 2T-1A-1 and 2T-1A-2 (Serial Numbers 501 through 828) airplanes with

Lycoming IO-360 or AEIO-360 engines installed, certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent engine oil inlet temperatures from exceeding acceptable limits within the next 50 hours time-in-service after the effective date of this AD, accomplish either paragraph (a) or (b) below:

(a) Remove Cowl Face P/N 50106-2 and Belly Cowl P/N 50105-2 and modify in accordance with Great Lakes Service Bulletin No. 11, dated September 1, 1980, and incorporate Great Lakes Parts Kit SPK 101. Perform engine run-up and inspect oil system for leaks; or

(b) Fabricate and install a louver plate (P/N 50105-33) and louver backing plate (P/N 50105-32) on the side of the belly cowling in accordance with Great Lakes Drawing Number 50105, Sheet 3 of 4, Revision C.

(c) The airplane may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(d) An equivalent method of compliance may be approved by the Manager, Atlanta Aircraft Certification Office, FAA Central Region, 1075 Inner Loop Road, College Park, Georgia 30337.

Drawing 50105, Sheet 3 of 4, Revision C, and Great Lakes Service Bulletin No. 11, dated September 1, 1980, pertinent to this AD, may be obtained from Great Lakes Aircraft Company, Drawer A, Eastman, Georgia 31023; Telephone (912) 374-5535.

This amendment revises Amendment 39-3940 (45 FR 67646), AD 80-21-12, in its entirety.

This amendment becomes effective April 14, 1983.

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

Note.—The FAA has determined that this regulation only involves a one-time optional cost reduction of $377.50 on approximately 127 airplanes. Therefore, I certify that this action (1) is not a major rule under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) because of the cost and few airplanes involved owned by small entities, it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9199 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-CE-36-AD; Amendment 39-4619]

Airworthiness Directives; Partenavia Costruzioni Aeronautiche S.p.A. Models P68B and P68C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Partenavia Costruzioni Aeronautiche S.p.A. Models P68B and P68C airplanes which requires installation of a new design stop tube for the fuel selector control system. Failure of the present design stop tube can result in the pilot being unable to determine the correct position of the fuel selector valves. Installation of the new design stop tube will prevent failure of the fuel selector control system stop and ensure that the pilot is able to determine the correct position of the fuel selector valves at all times.

EFFECTIVE DATE: April 14, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Partenavia Costruzioni Aeronautiche S.p.A. Service Bulletin (SB) No. 52 dated March 20, 1981, and Service Instruction No. 13 dated March 24, 1981, applicable to this AD may be obtained from Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, Casoria Naples, Italy. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Foreign FAR 23 Section, ACE-109, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: The manufacturer has reviewed the original design of the stop tube for the fuel selector control system and determined that a new design stop tube must be installed to prevent failure of the stop tube which could result in the pilot being unable to determine the correct position of the fuel selector valve on its Models P68B and P68C airplanes. As a result, Partenavia Costruzioni Aeronautiche S.p.A. has issued Service Bulletin No. 52, dated March 20, 1981, and Service Instruction No. 13, dated March 24, 1981, which provide instructions for the installation of a new design stop tube kit (P/N 68-020). The Registro Aeronautico Italiano (RAI), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy, has classified this Service Bulletin and Service Instruction and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Partenavia Costruzioni Aeronautiche S.p.A., SB No. 52, dated March 20, 1981, and Service Instruction No. 13, dated March 24, 1981, and the mandatory classification of both the Service Bulletin and the Service Instruction by the RAI.

Based on the foregoing, the FAA has determined that the condition addressed by Partenavia Costruzioni Aeronautiche S.p.A., SB No. 52, dated March 20, 1981, and Service Instruction No. 13, dated March 24, 1981, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring installation of a new design stop tube for the fuel selector control system on Partenavia Costruzioni Aeronautiche S.p.A. Models P68B and P68C airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Partenavia Costruzioni Aeronautiche S.p.A. Applies to Models P68B and P68C (from

S/N 123 thru S/N 241) airplanes certificated in any category.

Compliance: Required within the next 100 hours time-in-sevice after the effective date of this AD, unless already accomplished.

To prevent failure of the stop tube for the fuel selector control system, accomplish the following:

(a) Install stop tube kit (P/N 68-020) and adjust the fuel selector control receiver in accordance with Partenavia Costruzioni Aeronautiche S.p.A. Service Bulletin No. 52, dated March 20, 1981, and Service Instruction No. 13 dated March 24, 1981.

(b) Conduct engine run to perform operational check of fuel selector control. Place fuel selector control handle in right tank position and then the left tank position to determine if fuel flow is restricted.

(1) If fuel flow is not restricted, return airplane to service.

(2) If fuel flow is restricted, readjust fuel selector in accordance with Partenavia Costruzioni Aeronautiche S.p.A. Service Instruction No. 13 dated March 24, 1981, and repeat operational check of fuel selector control in accordance with paragraph (b) of this AD.

(c) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(d) An equivalent method of compliance with this AD, if used, must be approved by the manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

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

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

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9192 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-CE-37-AD; Amendment 39-4624]

Airworthiness Directives; Partenavia Costruzioni Aeronautiche S.p.A. Model P68, P68B, P68C and P68C-TC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Partenavia Costruzioni Aeronautiche S.p.A., Model P68, P68B, P68C and P68C-TC airplanes which requires replacement of the flap selector switch with a new type switch, Part No. (P/N) 7.2345D-1 (MS25201-5). With flap switches other then P/N 7.2345D-1, there is a possibility of an unintentional return of the flaps to the zero degree (0°) position, which could result in the aircraft settling during the landing approach, possibly resulting in an accident. Replacement of the flap selector switch as prescribed in this AD will reduce the possibility of unintentional flap retraction.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Service Bulletin No. 55 dated September 2, 1982, applicable to this AD may be obtained from Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, C.P. 2179, 80026 Casoria, Naples, Italy. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Foreign FAR 23 Section, ACE-109, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: The manufacturer has determined that it is possible to unintentionally return the flaps to the zero degree (0°) position on its Model P68, P68B, P68C and P68C-TC airplanes. Unintentional return of the flaps to the 0° position during a landing approach can result in premature settling of the airplane and a possible short landing accident. As a result, Partenavia has issued Service Bulletin No. 55 dated September 2, 1982, which requires replacement of the flap selector switch with a new switch, Part No. 7.2345D-1 (MS25201-5). The Registro Aeronautic Italiano (RAI) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy has issued Airworthiness Directive 82-206/P.68-15, Rev. 2. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States. The FAA has examined the available information related to the issuance of Service Bulletin No. 55 dated September 2, 1982, and Italian AD 82-206/P.68-15, Rev. 2.

Based on the foregoing, the FAA has determined that the condition addressed by Service Bulletin No. 55 dated September 2, 1982, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring replacement of the flap selector switch with a new part number switch on Partenavia Costruzioni Aeronautiche S.p.A. Model P-68, P-68B, P-68C and P-68C-TC airplanes in accordance with procedures set forth in the above-mentioned SB.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Partenavia Costruzioni Aeronautiche S.p.A.: Applies to Model P-68, P-68B, P-68C and P-68C-TC airplanes (all S/Ns up to S/N 255 excluding S/Ns 220, 224, 227, 228, 234, 235, 236, 239, 249, 251, 252, 253 and 254) certificated in any category.

Compliance: Required within the next 100 hours time-in-service, unless already accomplished.

To prevent unintentional return of flaps to the zero degree (0°) position, accomplish the following:

(a) Replace the flap selector switch with a new type switch, P/N 7.2345D-1 (MS25201-5) as prescribed in Service Bulletin No. 55 dated September 2, 1982.

(b) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

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

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

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9198 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 83-CE-41-AD; Amendment 39-4620]

Airworthiness Directives; Pilatus Britten-Norman Ltd. Model BN-2, BN-2A and BN-2B Islander Series and BN-2A MK III Trislander Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Pilatus Britten-Norman Ltd., BN-2, BN-2A and BN-2B Islander Series and BN-2A MK III Trislander Series Airplanes, which supersedes AD 76-15-04, Amendment 39-2677. The new AD incorporates and amplifies the inspections and repairs or parts replacements to the BN-2, BN-2A and BN-2B Islander Series airplanes and extends these requirements to the BN-2A MK III Trislander Series airplanes. The condition addressed by AD 76-15-04 has occurred on the BN-2A MK III Trislander Series airplanes. In addition, the manufacturer has refined its procedures for the detection and correction of upper engine mount deficiencies. This superseding AD will assure detection and repair/replacement of damaged upper engine mounts prior to failure.

DATES: Effective Date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Pilatus Britten-Norman Ltd. Service Bulletin (SB) No. BN-2/SB.61, Issue 4, dated May 12, 1980, applicable to this AD may be obtained from Pilatus Britten-Norman Ltd., Bembridge, Isle of Wight, England. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, FAA ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: To prevent failure of the upper engine mount due to service damage, the manufacturer issued Service Bulletin (SB) No. BN-2/SB.61, Revision 3, recommending visual inspection and repair or replacement, as necessary, of the upper engine mounting brackets used on Pilatus Britten-Norman Ltd. BN-2, BN-2A and BN-2B Islander Series airplanes. The FAA made compliance with this SB mandatory by issuing AD 76-15-04, Amendment 39-2677. Subsequent thereto, the manufacturer has determined that the same type of damage or structural defects may develop in the upper engine mounting brackets used on the BN-2A, MK III Trislander Series airplanes. Also, the FAA has received one report of a failed upper engine mount bracket on a BN-2A MK III-2 airplane and two reports of cracks in the upper engine mount brackets on BN-2A6 airplanes operated in the United States. The manufacturer published Issue 4 of SB No. BN-2/SB.61 dated May 12, 1980, which amplifies the action prescribed by the earlier Issue 3 of the SB and extends the applicability of the bulletin to include the BN-2A MK III Trislander Series airplanes. The United Kingdom Civil Aviation authority (UKCAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom, has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Pilatus Britten-Norman Ltd. SB No. BN-2/SB.61, Issue 4, dated May 12, 1980, and the mandatory classification of this SB by the UKCAA.

Based on the foregoing, the FAA has determined tht the condition addressed by Pilatus Britten-Norman Ltd. SB No. BN-2/SB.61, Issue 4, dated May 12, 1980, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued superseding AD 76-15-04, which requires visual inspection of the upper engine mounting brackets for bolt hole short edge distance, elongation of bolt holes, fretted bushings and cracks radiating from bolt or rivet holes and repair/replacement as necessary, on Pilatus Britten-Norman Ltd. BN-2, BN-2A and BN-2B Islander Series and BN.2A MK III Trislander Series airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Pilatus Britten-Norman Ltd.: Applies to BN-2, BN-2A and BN-2B Islander Series and BN-2A MK III Trislander Series (all serial numbers) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of the upper engine mounting brackets, accomplish the following:

a. Within the next 50 hours time-in-service after the effective date of this Airworthiness Directive (AD) and thereafter at intervals not to exceed 1,000 hours time-in-service:

(1) Visually inspect the upper engine mounting brackets for minimum lug bolt hole edge distance (0.2625 inches), elongation of the bolt holes, fretting of bushings and cracks in accordance with paragraphs 1 and 2 of the "Inspection" section of Pilatus Britten-Norman Ltd. Service Bulletin No. BN-2/SB.61, Issue 4, dated May 12, 1980, (hereinafter referred to as the SB).

(2) If no evidence of defects is found during accomplishment of paragraph a)1) of this AD, return the airplane to service.

(3) If cracks are found extending from bolt or rivet holes during accomplishment of paragraph a)1) of this AD, before further flight, replace the upper mounting brackets with new brackets (Islander Part Number NB-20-D-3463 or Trislander Part Number NB-20-D-5781).

(4) If loose bushings or elongated bolt holes are found during accomplishment of paragraph a)1) of this AD, before further flight, install new bushings or oversize bushing in accordance with paragraph 2 of the "Rectification" section of the SB.

(5) If lug bolt edge distances of less than 0.2625 inches are found during accomplishment of paragraph a)1) of this AD, before further flight, install repair doubler in accordance with paragraph 3 of the "Rectification" section of the SB.

(b) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(c) Aircraft may be flown in accordance with FAR 21.197 to a location where this Airworthiness Directive (AD) can be accomplished.

(d) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment supersedes AD 76-15-04, Amendment 39-2677.

This amendment becomes effective on April 14, 1983.

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

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

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9193 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 83-CE-33-AD; Amendment 39-4623]

Airworthiness Directives; Short Brothers and Harland, Ltd., Model SC-7 Series 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Short Brothers and Harland, Ltd., Model SC-7 Series 3 airplanes which requires inspection of cargo door locking pins for proper engagement and removal of any door warning switch adjustment screws which may be installed. These steps will preclude improper operation of the door warning system and possible inflight opening of the cargo door.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Shorts Service Bulletin No. 52-65 dated November 1, 1980, applicable to this AD may be obtained from Short Brothers and Harland, Ltd., Queen's Island, Belfast BT3 9DZ Northern Ireland (U.K.). A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Aerospace Engineer, Foreign FAR 23 Section, ACE-109, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: Short Brothers and Harland, Ltd., advises that cargo door locking pin switches may be improperly adjusted on some Model SC-7 Series 3 airplanes fitted with a one-piece, "flip-type" door. This could prevent proper door lock pin engagement allowing the door to open in flight. As a result, Short Brothers and Harland, Ltd., has issued Shorts Service Bulletin No. 52-65 dated November 1, 1980, which specifies inspection of the cargo door locking pins for correct engagement, removal of an adjustment feature that may be installed on the warning switch and adjustment of the pin operating rods to permit proper door locking. The United Kingdom Civil Aviation Authority (UKCAA), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom, has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Shorts Service Bulletin No. 52-65 dated November 1, 1980, and the mandatory classification of this Service Bulletin by the UKCAA.

Based on the foregoing, the FAA has determined that the condition addressed by this Service Bulletin is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued to correct possible misadjustment in the cargo door locking mechanism that prevents proper engagement of the locking pins on certain Short Brothers and Harland, Ltd., Model SC-7 Series 3 airplanes. This is accomplished by removing an adjustment feature on the "Door Open" warning switch and adjusting the length of the locking pin operating rods.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Short Brothers and Harland, Ltd.: Applies to the following Model/Serial Number airplanes with a one-piece, "flip-type," cargo door installed, certificated in any category:

Model	Serial No.
SC-7 Series 3	SH1855, SH1860, SH1866 through SH1868, SH1875 through SH1880, SH1887 through SH1891, SH1894 through SH1900, SH1902, SH1904 through SH1906, SH1909 through SH1917, SH1919 through SH1924, SH1928 through SH1929 and SH1931 and on.

Compliance: Required as indicated, unless already accomplished.

To preclude unwanted inflight opening of the cargo door, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(a) Examine the cargo door locking pin microswitch assembly per Part "A" of the Accomplishment Instructions in Shorts Service Bulletin No. 52-65 dated November 1, 1980. If an adjusting screw is found to be installed on the microswitch operating lever as shown on Figure 2 of the Service Bulletin, prior to further flight accomplish the following per Part "B" of Service Bulletin No. 52-65:

(1) Remove the adjusting screw from the microswitch operating lever.

(2) Adjust the length of the locking pin operating rod allowing the pin to act diretly on the lever.

(3) Adjust the microswitch so that the final configuration of the microswitch and locking pin position are as shown in Figure 5 of the Service Bulletin.

(b) Check the operation of the door to assure proper engagement of the locking pins per Step 14 of the Service Bulletin.

(c) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(d) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

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

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

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9197 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 83-CE-40-AD; Amendment 39-4618]

Airworthiness Directives; Short Brothers and Harland, Ltd., Model SC-7 Series 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Short Brothers and Harland, Ltd. Model SC-7 Series 3 airplanes which requires inspection of all vertical fin attach bolts for proper tightness. The manufacturer has received a report of loose bolts occurring on an in-service airplane.

This AD will preclude looseness of the vertical fins on the horizontal stabilizer, which if loose can result in inflight vibration and possible structural damage.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Shorts Service Bulletin No. 55-53 dated June 25, 1979, applicable to this AD may be obtained from Short Brothers and Harland, Ltd., Queens Island Belfast BT3 9DZ Northern Ireland (U.K.). A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Foreign FAR 23 Section, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: Short Brothers and Harland, Ltd., has received a report of loose bolts which attach the vertical fins to the horizontal stabilizer (tailplane) on its Model SC-7 Series 3 ariplanes. These bolts are located in the front and rear spars of each vertical fin. As a result, Short Brothers and Harland, Ltd. has issued Shorts Service Bulletin No. 55-53 dated June 25, 1979, which recommends inspection of 40 attach bolts in each vertical tail attachment for proper tightness. The United Kingdom Civil Aviation Authority (UKCAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Shorts Service Bulletin No. 55-53 dated June 25, 1979, and the mandatory classification of this Service Bulletin by the UKCAA.

Based on the foregoing, the FAA has determined that the condition addressed by this Service Bulletin is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring inspection of the 40 attach bolts in each vertical fin for proper tightness on Short Brothers and Harland Ltd. Model SC-7 Series 3 airplanes in accordance with procedures set forth in the SB.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Short Brothers and Harland, Ltd.: Applies to Model SC-7 Series 3 (all serial numbers) airplanes certificated in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD.

To preclude looseness of either vertical fin acomplish the following:

(a) Remove Access Panel Nos. T15, T16, and T17 from the vertical fins in accordance with Shorts Skyvan Maintenance Manual, Chapter 7-00, Page 6, Figure 4, and paragraph (A)(1) of Shorts Service Bulletin No. 55-53, Original Issue, date June 25, 1979.

(b) Apply 12-15 in-lbs torque to the 10-32 UNF bolts (one at a time) that attach the fins to the stabilizer (24 bolts in the front spar and 16 bolts in the rear spar).

1. If torque of 12-15 in-lbs can be applied to each bolt without rotating the bolt, replace Access Panel Nos. T15, T16 and T17 in accordance with Shorts Skyvan Maintenance Manual, Chapter 7-00, Page 6, Figure 4, and return the airplane to service.

2. If a bolt rotates with the application of 12-15 in-lbs of torque, remove each rotating bolt (one at a time) and inspect bolt hole for elongation.

(i) If no elongation of the bolt hole is found, add additional washer under the bolt head or nut (maximum of 2 washers under the nut and 1 under the bolt head), apply 12-15 in-lbs torque to bolt and return airplane to service.

Note.—If less than 2 full threads protrude past nut after torquing, replace bolt with a bolt of the same type with a grip length increased by one over the original bolt grip length.

(ii) If elongation of the bolt hole is found, reinstall bolts in accordance with paragraphs (b)1 and 2 of this AD and within 200 hours time-in-service repair in accordance with instructions provided by Shorts Brothers Ltd., P.O. Box 241, Airport Road, Belfast BT3 9DZ and approved as an equivalent method of compliance in accordance with paragraph (e) of this AD. Replace Access Panel Nos. T15, T16 and T17 in accordance with Shorts Skyvan Maintenance Manual, Chapter 7-00, Page 6, Figure 4, and return airplane to service.

(c) The compliance times required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections and repairs concurrent with other scheduled maintenance of the airplane.

(d) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(e) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

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

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

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9191 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 83-CE-46-AD; Amendment 39-4627]

Airworthiness Directives; SIAI-Marchetti S205 Series and Models S208 and S208A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a New Airworthiness Directive (AD), applicable to SIAI-Marchetti S205 Series and Models S208 and S208A airplanes which supersedes AD 72-24-01, Amendment 39-1558. The new AD requires visual and dye-penetrant repetitive inspections of the main landing gear long arm cross-member reinforcement plate weld area and replacement of any reinforcement plates if cracks are found. It also extends the serial number applicability to include all S205 Series airplanes and adds all Models S208 and S208A airplanes. There have been reports of cracks developing in the main landing gear cross-member reinforcement plate weld area which could result in failure of the main gear. The inspection procedure will detect the presence of these cracks before failure occurs.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: SIAI-Marchetti Service Bulletin (SB) No. 205B48C, dated April 3, 1981, applicable to this AD may be obtained from SIAI-Marchetti S.p.A., V-12070 via Indipendenza, 2, 21018 Sesto Calende, Italy, telephone number 0331 924842/923598. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Paul Cormaci, Federal Aviation Administration, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: SIAI-Marchetti Service Bulletin (SB) No. 205B36, dated June 28, 1972, specified inspections for the detection of cracks and the replacement of parts in the main landing gear cross-members in the weld area of the longer cross member reinforcement plate. The SB was applicable to certain serial numbers on all SIAI-Marchetti S205 Series airplanes. The FAA made compliance with SB No. 205B36 mandatory by issuing AD 72-24-01, Amendment 39-1558. Subsequent to the issuance of AD 72-24-01, the manufacturer has received several reports of additional cracks in the weld area of the main landing gear long arm cross-member reinforcement plate. After reviewing the service history of the main landing gear reinforcement plates, SIAI-Marchetti issued Mandatory Service Bulletins 205B48, 205B48A, 205B48B and, finally, SB No. 205B48C dated April 3, 1981, which extends the airplane effectivity to include all S205 Series and its Models S208 and S208A airplanes, provides for initial and repetitive dye-penetrant inspection of the weld area of the longer cross-member reinforcement plate and the replacement of any cracked plates. A failure in the weld of the reinforcement plate could cause an overload in the long arm of the main landing gear cross-member. Undetected

cracks in the weld area of the longer cross-member reinforcement plate could lead to failure of the cross-member and collapse of the landing gear. Therefore, this could result in a hazardous condition during takeoff or landing, particularly on those airplane models equipped with wing tip fuel tanks.

The Registro Aeronautico Italiano (RAI), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy, has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of SB No. 205B48C, dated April 3, 1981, and the mandatory classification of this SB by the RAI.

Based on the foregoing, the FAA has determined that the condition addressed by SB No. 205B48C, dated April 3, 1981, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued superseding AD 72-24-01 which requires initial and repetitive visual and dye-penetrant inspections of the weld area of the reinforcement plate of the long arm cross-member of the main landing gear and replacement of cracked reinforcement plates on SIAI-Marchetti S205 Series and Models S208 and S208A airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

SIAI-Marchetti: Applies to S205 Series and Models S208 and S208A (all serial numbers) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished. To preclude failure of the reinforcement plate weld of the long arm cross-member of the main landing gear, accomplish the following:

(a) Visually inspect the main landing gear cross-member long arm reinforcement plate weld for cracks in accordance with the "Instruction for the Visual Inspection" section of SIAI-Marchetti Service Bulletin (SB) No. 205B48C, dated April 3, 1981, per the following applicable inspection schedules:

(1) Within 100 hours time-in-service, after the effective date of this AD, and thereafter every 100 hours time-in-service, for main gear reinforcement plates with less than 500 hours time-in-service.

(2) Within 50 hours time-in-service, after the effective date of this AD, and thereafter every 50 hours time-in-service for main gear reinforcement plates with more than 500 hours time-in-service and less than 1000 hours time-in-service.

(3) Within 25 hours time-in-service, after the effective date of this AD, and thereafter every 25 hours time-in-service for main gear reinforcement plates with more than 1000 hours time-in-service.

(4) Prior to further flight, after each hard landing, regardless of time-in-service.

(b) Inspect using a dye-penetrant method, the main landing gear cross-member long arm reinforcement plate weld in accordance with the "Instructions for the Dye Check Inspection" section of SIAI-Marchetti Service Bulletin No. 205B48C, dated April 3, 1981, within the next 100 hours time-in-service on those main gear braces having 400 or more hours time-in-service, after the effective date of this AD, or prior to the accumulation of 500 hours time-in-service on those main gear reinforcement plates with less than 400 hours time-in-service on the effective date of this AD and thereafter at intervals not to exceed 500 hours time-in-service.

(c) If cracks are found during inspections to either paragraph (a) or (b) of this AD, prior to further flight, replace the main gear reinforcement plate by an FAA Certified Repair Station authorized to accomplish this replacement in accordance with the following table:

Installed P/N	Replacement P/N
205-9-012 Modified Per SB 205B36	205-9-012-07
205-9-013 Modified Per SB 205B36	205-9-013-08
205-9-012	205-9-012-07
205-9-013	205-9-013-08
205-9-012-05	205-9-012-07
205-9-013-05	205-9-013-08
205-9-502-01	205-9-502-03
205-9-502-02	205-9-502-04

(d) If main gear reinforcement plates (P/N 205-9-012-07, 205-9-013-08, 205-9-502-03, or 205-9-502-04) are installed, compliance is required with only paragraphs (a)(4), (b) and (c) of this AD.

(e) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(f) Operators who have not kept records of hours time-in-service of the main landing gear long arm cross-member must substitute airplane hours time-in-service in lieu thereof.

(g) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(h) An equivalent method of compliance with this AD may be used, if approved, by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment supersedes AD 72-24-01, Amendment 39-1558.

This amendment becomes effective on April 14, 1983.

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

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

Issued in Kansas City, Missouri, on March 31, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9207 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 83-CE-39-AD; Amendment 39-4622]

Airworthiness Directives; SIAI-Marchetti Model S205-22R Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD),

applicable to SIAI-Marchetti Model S205–22R airplanes which requires fiberscope inspection of the muffler assembly and, if necessary, replacement of the muffler. Instances of detachment of the inside baffling have been reported and can result in partial or complete loss of engine power. The inspection procedure will detect cracks so the muffler can be replaced before failure of the exhaust system occurs.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: SIAI-Marchetti Service Bulletin (SB) No. 205B56, dated November 20, 1981, applicable to this AD may be obtained from SIAI-Marchetti S.p.A., V–12070 via Indipendenza, 2, 2108 Sesto Calendé, Italy, whose telephone number is 0331 924842/923598. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Federal Aviation Administration, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: SIAI-Marchetti has received reports of cracks in the muffler assembly of the exhaust system on its Model S205–22R airplane. Instances of detachment of the inside baffling have been reported and can result in partial or complete engine power loss by restricting the flow of the exhaust gases. As a result, SIAI-Marchetti has issued Service Bulletin (SB) No. 205B56, dated November 20, 1981, which requires initial and repetitive fiberscope inspection of the inside baffling of the muffler assembly. If a crack is found, the muffler must be replaced prior to further flight. The Registro Aeronautico Italiano (RAI), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy, has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of SIAI-Marchetti SB No. 205B56, dated November 20, 1981, and the mandatory classification of this SB by the RAI.

Based on the foregoing, the FAA has determined that the condition addressed by SIAI-Marchetti SB No. 205B56, dated November 20, 1981, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring initial and repetitive fiberscope inspection to the inside baffling of the muffler assembly of the exhaust system and, if necessary, replacement of the muffler on SIAI-Marchetti Model S205–22R airplanes in accordance with procedures set forth in the above-mentioned SB.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft

Adoption of the Amendment

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

SIAI-Marchetti: Applies to Model S205–22R airplanes with a muffler assembly P/N 870–8 or P/N 870–9 installed, certificated in any category.

Compliance: Required as indicated unless already accomplished.

To prevent failure of the exhaust system, accomplish the following:

(a) Within the next 100 hours time-in-service after the effective date of this AD or when the muffler has accumulated 500 hours time-in-service, whichever occurs later, and at each 100-hour time-in-service interval thereafter, accomplish the following:

(1) Perform a fiberscope inspection of the inside baffling of the muffler assembly for cracks by inserting on OLYMPUS ILK–2 type fiberscope (or equivalent) through the exhaust tube into the inside baffling of the muffler assembly in accordance with the "Instruction" section of SIAI-Marchetti Service Bulletin No. 205B56 dated November 20, 1981, or an FAA-approved equivalent.

(i) If cracks are found, prior to further flight, replace the muffler.

(ii) If no cracks are found, continue the repetitive inspections as indicated above.

(b) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(c) Operators who have not kept records of hours time-in-service of the mufflers must substitute airplane hours time-in-service in lieu thereof.

(d) Airplane may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(e) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 1189 of the Federal Aviation Regulations (14 CFR 11.89)).

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

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9196 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 83-CE-22-AD; Amendment 39-4621]

Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego, PZL-MIELEC, Model PZL M18 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Wytwornia Sprzetu Komunikacyjnego, PZL-MIELEC, Model PZL M18, Dromader airplanes which requires replacement of the connector segment in the aileron push rods. The manufacturer has found that on four airplanes, serial numbers 1Z005-11 through 1Z005-14, the connector segments in the aileron push rods are shorter than required. This could cause disconnection of the connector to the push rod end threaded connection resulting in loss of primary flight control about the airplane's roll axis. Replacement of the connector segment in both aileron push rods as prescribed in this AD will prevent this condition.

DATES: Effective date: April 14, 1983. Compliance: Within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

ADDRESSES: Mandatory Bulletin No. I/012/81 dated 4/81, applicable to this AD may be obtained from Wytwornia Sprzetu Komunikacyjnego, PZL-MIELEC, 39-301 Mielec, Poland. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Federal Aviation Administration, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: The manufacturer has found that connector segments of the aileron push rods on four Model PZL M18 airplanes, serial numbers 1Z005-11 through 1Z005-14 are too short. As a result, there are fewer screw threads meshed between the connector segment and the push rod ends when rigging adjustments are completed. This could cause disconnection of the push rod end and loss of aileron control. Since the push rods in both right and left aileron controls are too short, it is possible that a total loss of primary flight control about the roll axis could occur. As a result, Wytwornia Sprzetu Komunikacyjnego, PZL-MIELEC has issued Mandatory Bulletin No. I/012/81, dated 4/81, which directs removal of the connecting segment of the aileron push rod and installation of the connecting segment, Part No. 3-26x1-430, ZN-72/L-381-307. The Polish Civil Aircraft Inspection Board (CACA), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Poland, has classified this Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Polish registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of CACA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Mandatory Bulletin No. I/012/81 and the mandatory classification of this Bulletin by CACA.

Based on the foregoing, the FAA has determined that the condition addressed by Mandatory Bulletin No. I/012/81 is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States. Therefore, an AD is being issued requiring replacement of the connecting segment of aileron push rods on certain serial numbered Wytwornia Sprzetu Komunikacyjnego, PZL-MIELEC, Model PZL M18, Dromader airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedures hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effect in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Wytwornia Sprzetu Komunikacyjnego PZL-MIELEC: Applies to Model PZL M18 (Serial Numbers 1Z005-11 through 1Z005-14) airplanes certificated in any category.

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

To prevent loss of primary flight control about the airplane roll axis, accomplish the following:

(a) Replace the connecting segment of the aileron push rods with Part No. 3-26x1-430 ZN-72/L-381-307 as prescribed in Mandatory Bulletin No. I/012/81 dated 4/81.

(b) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this Ad, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

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

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

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

FR Doc. 83-0194 Filed 4-8-83; 4:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 82-CE-39-AD; Amdt. 39-4534]

Airworthiness Directives; Piper PA-31 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects Airworthiness Directive (AD) 82-27-13, Amendment 39-4534 (48 FR 1034, 1035), applicable to Piper PA-31 series airplanes.

This correction is necessary because the phrase "paragraph 6e(1) on pages 10 and 11" was inadvertently included in paragraph e)7. of the AD when the AD was issued and published in the Federal Register.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: W. H. Trammel, ACE-130A, Atlanta

Aircraft Certification Office, FAA, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 763-7781.

SUPPLEMENTARY INFORMATION:

Subsequent to the issuance of AD 82-27-13, Amendment 39-4534 (48 FR 1034, 1035), applicable to Piper PA-31 Series airplanes, the FAA determined that the phrase "paragraph 6e(1) on pages 10 and 11" was inadvertently included in paragraph e)7. of the AD when it was published in the **Federal Register.** Action is taken herein to correct this error. Since this action rectifies and inadvertent administrative mistake and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and not in the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subject in 14 CFR Part 39

Aviation safety, Aircraft.

Correction

In FR Doc. 83-420 (48 FR 1034, 1035) appearing on page 1035 in the **Federal Register** on January 10, 1983, make the following correction in the amendment to § 39.13: In the first sentence of paragraph e)7. delete the words "paragraph 6e(1) on pages 10 and 11."

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

Note.—The FAA has determined that this correction rectifies an administrative error and imposes no burden on any person. Therefore, I certify that this action (1) in not a major rule under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Action Director, Center Region.

[FR Doc. 83-9200 Filed 4-5-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 83-NM-15-AD; Amdt. 39-4611]

Airworthiness Directives; Rockwell International Models NA265-60 and NA265-80

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) that requires repetitive inspections of Rockwell International Models NA265-60 and NA265-80 airplanes modified in accordance with Supplemental Type Certificates (STC) SA687NW and SA847NW, respectively. This amendment deletes an inspection no longer required, simplifies an inspection, and clarifies the AD.

DATES: Effective April 13, 1983. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: Raisbeck Service Bulletin No. 25, amended by Rockwell International Sabreliner Service Bulletin No. 82-7, and Raisbeck Service Bulletin No. 33 pertain to this matter. These bulletins may be obtained from Rockwell International, Sabreliner Division, 6161 Aviation Drive, St. Louis, Missouri 63134, telephone (314) 731-2260 or may be examined at the addresses listed below. The Rules Docket is located at the Office of Regional Counsel, FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington 98168, telephone (206) 764-7019.

FOR FURTHER INFORMATION CONTACT: Marvin D. Beene, Airframe Branch, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 269-7005.

SUPPLEMENTARY INFORMATION:

Paragraph C. of AD80-04-11R1, Amendment 39-3703 (45 FR 12213, February 25, 1980), as amended by Amendment 39-3921 (45 FR 63483, September 25, 1980), requires an initial inspection of the wing leading edge at 2000 flight hours after modification per STCs SA687NW or SA847NW. These inspections are repeated each 5000 flight hours thereafter in accordance with paragraph V(D) of Raisbeck Service Bulletin (SB) No. 25. Realizing that fastener removal, as required by these inspections, may induce fastener hole damage, Rockwell issued SB 82-7 deleting the requirement from SB No. 25. Recurring inspections at 300 hour intervals performed without the necessity of extensive fastener removal, as delineated in Raisbeck SB No. 33, were substituted. The previous inspection required 180 man hours while the new inspection can be accomplished in one man hour. Since any fuel leak will identify a discrepant fastener hole, removal of the fasteners for inspection is unnecessary. Paragraph C of this AD is therefore amended to reflect these changes.

Paragraph D. of AD 80-04-11R1 requires inspection of the fasteners in the overwing modification every 10,000 hours in accordance with the specifications in Raisbeck SB No. 25 paragraph V(C). Subsequent investigations indicate that these inspections are unnecessary and are therefore cancelled, per Sabreliner SB No. 82-7, based on the following: (1) Inspections performed on a representative airplane showed the fasteners to be properly installed, (2) the area in question is not prime attaching wing structure, and (3) the required inspection could affect the fastener hole quality during removal. Therefore, paragraph D. of this AD is deleted.

Paragraph I. of AD 80-04-11 references the inspections of Amendment 39-3680, AD 80-03-03, as an acceptable alternate to the flap tracks and support structure inspections of AD 80-04-11R1. Since the scope of inspections and repairs identified in AD 80-03-03 were incorporated in AD 80-04-11, AD 80-03-03 was subsequently rescinded by Amendment 39-3680. Paragraph I. is therefore removed from this AD.

Since this amendment is relieving, with the deletion of one inspection requirement and simplification of another, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as amended by 39-3703, AD 80-04-11, and Amendment 39-3921, AD 80-04-11R1, is further amended by deleting paragraphs D. and I. and revising paragraph C. to read as follows:

"C. Before accumulation of 2000 flight hours time in service after modification by STC SA687NW or STC SA847NW, inspect the wing leading edge in accordance with Raisbeck Service Bulletin No. 33. Repeat this inspection every 300 flight hours time in service thereafter."

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request from Rockwell International, Sabreliner Division, 6161 Aviation Drive, St. Louis, Missouri 63134. These documents may also be examined at FAA, Centeral Region, Wichita Aircraft Certification Office, Room 238, Terminal Building

2299, Mid-Continent Airport, Wichita, Kansas, or FAA, Northwest Mountain Region, Office of Regional Counsel, 17900 Pacific Highway South, Seattle, Washington 98168, telephone (206) 764-7019.

This Amendment becomes effective April 13, 1983.

This amendment amends Amendment 39-3703 (45 FR 12213) as amended by amendment 39-3921 (45 FR 63483), AD 80-04-11.

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

Note.—The FAA has determined that this document involves an amendment that is relieving in nature and does not impose any additional burden on any person. Therefore: (1) it is not major under Executive Order 12291 (46 FR 13193; February 19, 1981), and (2) it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I certify that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because it is relieving in nature and because it involves few small entities.

Issued in Seattle, Washington on March 24, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-9204 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-ASO-15]

Alteration of Control Zone, Eastover, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Eastover, South Carolina, Control Zone by including in the description a provision that will permit use of the FAA's Notice to Airmen (NOTAM) system and the Airport/Facility Directory (A/FD) to publicize the hours during which the control zone is effective. The control zone, which is centered on McEntire Air National Guard Base, is presently effective 24 hours each day. However, the necessary communications and weather reporting service which are prerequisite for a full-time zone do not exist. This alteration will permit McEntire ANGB to correctly publicize the hours during which the control zone is effective.

DATES: Effective Date: 0901 G.M.T., June 9, 1983.

Comments must be received on or before May 9, 1983.

ADDRESS: Send comments on the rule in triplicate to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves adding a provision to the description of the control zone to provide a more effective method of publicizing the effective hours of the control zone and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to add a provision to the description of the Eastover, South Carolina, control zone which will permit notification of changes in effective hours through use of the NOTAM system. After issuance of appropriate NOTAM's, the effective hours of the control zone will thereafter be listed in the A/FD. If future aeronautical activities indicate a change in effective hours is necessary, such changes could be publicized in a rapid and effective manner to airspace users. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need to amend the discription of the control zone to permit use of the FAA NOTAM system for publication of effective hours. The changes are so minor and nonsubstantive I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.M.T., June 9, 1983, as follows:

Eastover, SC—Amended

By adding the following words to the end of the present text: " * * * This control zone is effective during the specific days and times established in advance by a Notice to Airmen The effective days and times will thereafter be continuously published in the Airport/Facility Directory * * *."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in East Point, Georgia, on March 29, 1983

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-9182 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AGL-21]

Alteration of Transition Area and Control Zone; Houghton, Michigan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

EFFECTIVE DATE: June 9, 1983.

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

SUPPLEMENTARY INFORMATION: The proposed decommissioning of the Calumet, Michigan, non-directional radio beacon (NDB-CUT) requires that the current descriptions for the Houghton, Michigan, control zone and transition area be rewritten so as to eliminate any reference to that radio beacon. In the process of rewrite, it was noted that some of the airspace currently designated was no longer required and should be returned to a non-controlled status, i.e., elimination of the one-half mile extension north of the radio beacon as contained in the current control zone designation, reduction of the 700-foot transition area radius from 18 miles to 9 miles, and deletion of a portion of the 1200-foot transition area approximately 14 miles by 6 miles located approximately 18 miles north of the Houghton County Memorial Airport. No minimum descent altitudes (MDA's) for established procedures will change, although some may be below the floor of controlled airspace.

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

History

On page 1517 of the **Federal Register** dated January 13, 1983, the FAA proposed to amend §§ 71.171 and 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the control zone near Houghton, Michigan, and to alter the transition area airspace near Houghton, Michigan. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly pursuant to the authority delegated to me, §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective 0901 GMT, June 9, 1983, as follows:

Houghton, Michigan

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

Houghton, Michigan

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

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.69)

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

Issued in Des Plaines, Illinois, on March 10, 1983.

Monte R. Belger,

Director, Great Lakes Region.

[FR Doc. 83-9186 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-AWA-8]

Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The Canadian Government has requested to extend V-276 from Erie, PA, to Ash, ON, Canada, and realign V-36 between Buffalo, NY, and Toronto, ON, Canada. The V-276 extension will aid air traffic control by permitting added flexibility for maneuvering aircraft between Ash and Erie, thereby reducing terminal and en route delays. The realignment of V-36 will improve the flow of traffic in the Niagara Falls, NY./Toronto, ON, Canada, area. This amendment will reduce controller workload and expedite traffic.

DATES: Effective date: June 9, 1983. Comments must be received on or before May 23, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-8, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W., Still, Airspace Regulations and Obstructiuons Branch (ATT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves airway alterations and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to extend V-276 from Erie, PA, to Ash, ON, Canada, via the Erie 359°T(005°M) and Ash 251°T(259°M) radials, to Ash, and realign V-36 from Buffalo, NY, via the Intersection of the Buffalo 309°T(317°M) and Toronto, ON, Canada, 147°T(156°M) radials, to Toronto. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to extend V-276 and V-36 in order to expedite this request by the Canadian Government to improve traffic flow and enhance their air traffic control procedures. Also, only 22 miles of the airspace north of Erie and 12 miles northwest of Buffalo are within the United States, thereby having very little impact on U.S. air traffic operations. Therefore, I find that notice and public rulemaking procedures are impracticable and contrary to the public interest and that good cause exists for making this amendment effective on the next charting date (June 9, 1983).

List of Subjects in 14 CFR Part 71

VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, June 9, 1983, as follows:

V-276 [Amended]

By deleting the words "From Erie, PA, via Franklin, PA;" and substituting for them the words "From Ash, ON, Canada, via INT Ash 251° and Erie, PA, 359° radials; Erie; Franklin, PA;"

V-36 [Amended]

By deleting the words "INT Wiarton 150° and Toronto, ON, 314° radials, Toronto, Canada, via INT Toronto 141° and Buffalo, NY, 312° radials;" and substituting for them the words "INT Wiarton 150° and Toronto, ON, Canada, 314° radials; Toronto; INT Toronto 147° and Buffalo, NY, 309° radials;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(a)]; Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

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

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-9183 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-NE-11]

Amend the Description of the Bridgeport, Conn., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the description of the Bridgeport, Connecticut Transition Area to eliminate an overlap and dual description of airspace with respect to the State of Connecticut and the State of New York 1200-foot transition areas, and to effect minor editorial changes in the 700-foot transition area.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: David Hurley, Operations Procedures and Airspace Branch, ANE-536, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts; telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION: The Bridgeport, Connecticut Transition Area presently describes both 1200-foot and 700-foot transition areas. Both the States of New York and Connecticut are also designated as 1200-foot transition areas and these transition areas completely overlap the Bridgeport 1200-foot Transition area. This results in a dual description of controlled airspace. Therefore, this action deletes reference to the 1200-foot transition area under the title of Bridgeport, Connecticut. A 700-foot transition area will continue to be described under the title Bridgeport, Connecticut. The description of the 700-foot transition area is being modified, however, so as to eliminate controlled airspace presently included in the description of the White Plains, New York, and Oxford, Connecticut, 700-foot Transition Areas.

Since this matter merely reflects a name change neither increasing nor decreasing controlled airspace, notice and public procedure is impractical and unnecessary and good cause exists for making the change effective upon publication in the **Federal Register.**

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the description of the Bridgeport, Connecticut Transition Area in § 71.181 of the Federal Aviation Regulations [14 CFR Part 71] is amended by deleting the description of the 1200-foot transition area and by revising the description of the 700-foot transition area to read as follows:

"That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, lat. 41°09'48" N., long. 73°07'34" W., of the Igor I. Sikorsky Memorial Airport, Bridgeport, CT, extending clockwise from a 013° bearing to a 055° bearing from the airport; within an 8.5-mile radius of the center of the airport extending clockwise from a 055° bearing to a 248° bearing from the airport; within an 11-mile radius of the center of the airport extending clockwise from a 248° bearing to a 291° bearing from the airport; within a 12.5-mile radius of the center of the airport extending clockwise from a 291° bearing to a 326° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 326°

bearing to a 013° bearing from the airport; within 6.5 miles northwest and 4.5 miles southeast of the Bridgeport, CT, VOR 042° radial extending from the Bridgeport, CT VOR to 17.5 miles northeast of the Bridgeport, CT, VOR; within an 8.5-mile radius of the center, lat. 41°15'51" N., long. 72°53'15" W., of the Tweed-New Haven Airport, New Haven, CT; within 5 miles southeast and 5 miles northwest of the Hartford, CT, VORTAC 222° radial extending from 32 miles southwest of the Hartford, CT, VORTAC to 15 miles southwest of the Hartford, CT, VORTAC; within 5 miles northeast and 5 miles southwest of the Pawling, NY, VORTAC 138° radial extending from 31 miles southeast to 44 miles southeast of the Pawling, NY, VORTAC; within 5 miles northwest and 5 miles southeast of the Carmel, NY VORTAC 065° radial extending from the Carmel, NY, VORTAC to 28 miles northeast of the Carmel, NY, VORTAC; within 5 miles north and 5 miles south of the Carmel, NY, VORTAC 093° radial extending from the Carmel, NY, VORTAC to 28 miles east of the Carmel, NY, VORTAC, and within 5 miles north and 5 miles south of a 274° bearing and a 094° bearing from a point lat. 41°02'00" N., long. 73°18'45" W., extending 6 miles west and 3 miles east of said point, excluding those portions within the White Plains, NY, and Oxford, CT, transition areas."

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 USC 1348(a) and Section 6(c) of the Department of Transportation Act (49 USC 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this regulation involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. For this reason, and for the reasons stated above, it is certified that this (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 DE 11034); February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is nil; (4) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Massachusetts on March 30, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-9211 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 17

[Airspace Docket No. 82-ANM-9]

Transition Area; Kremmling, Colorado; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: Federal Register Document 82-30537 was published on November 8, 1982, (47 FR 50465), designating a 700' transition area at Kremmling, Colorado. That action incorrectly described a true bearing upon which a portion of the transition area is aligned. This action corrects the bearing.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: Ted Melland, Airspace & Procedures Specialist, ANM-533, FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 433-1640.

List of Subjects in 14 CFR Part 71

Transition areas; Aviation safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, Federal Register Document 82-30537 as published on November 8, 1982, is corrected as follows:

Kremmling, Colorado (Amended)

By deleting the words "each side of the Kremmling Airport 215° bearing" and substituting the words "each side of the Kremmling Airport 243° bearing".

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 1165 of the Federal Aviation Regulations (14 CFR 11.65))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (14 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington on March 30, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-9210 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Safeguarding Classified Material

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission is publishing rules to safeguard classified information in accordance with the provisions of Executive Order 12356 (47 FR 14874, April 6, 1982) and its implementing directive, Information Security Oversight Office Directive No. 1 (47 FR 27836, June 25, 1982), which established procedures and criteria for classifying, declassifying and safeguarding national security information.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph G. Salazar, Records Management Officer, Administrative Services, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-9735.

SUPPLEMENTARY INFORMATION: The Information Security Oversight Office ("ISOO"), in accordance with Executive Order 12356, has issued a Directive containing guidelines in the form of model rules for classifying, declassifying and safeguarding national security information. Since the Commission has no classification or declassification authority, the Commission is adopting rules to govern only the safeguarding of national security information subject to the guidelines set forth in the ISOO Directive.

List of Subjects in 17 CFR Part 140

National security information, Procedures for safeguarding national security information.

The Commission finds that these rules relate solely to matters of agency practice and procedure.[1] Therefore, the provisions of the Administrative Procedure Act as codified, 5 U.S.C. 553, generally requiring notice of proposed rulemaking and other opportunity for public participation are not applicable. Because the Executive Order and its implementing directive are already effective, the Commission also finds good cause to make the rules effective immediately. In consideration of the foregoing and pursuant to the authority in Section 2(a)(11) of the Commodity Exchange Act, as amended, 7 U.S.C. 4a(j), Executive Order 12356, 47 FR 14874, April 6, 1982, and Information Security Oversight Office Directive No. 1, 47 FR 27836, June 25, 1982, the Commission hereby amends 17 CFR Part 140 by adding new §§ 140.21, 140.22, 140.23, and 140.24 as follows:

[1] The Commission also notes that since these rules are procedural in nature and will have no adverse affect on small businesses, the provisions of the Regulatory Flexibility Act are inapplicable. *See* 5 U.S.C. 601(2). Moreover, since the rules do not call for collection of information from the general public by the Commission, the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, also do not apply.

PART 140—[AMENDED]

§ 140.21 Definitions.

(a) *Classified information.* Information or material that is:

(1) Owned by, produced for or by, or under control of the United States Government, and

(2) Determined pursuant to Executive Order 12356 or prior or succeeding orders to require protection against unauthorized disclosure, and

(3) So designated.

(b) *Compromise.* The disclosure of classified information to persons not authorized access thereto.

(c) *Custodians.* An individual who has possession of or is otherwise charged with the responsibility for safeguarding or accounting for classified information.

(d) *Classification levels.* Refers to Top Secret "(TS)", Secret "(S)", and Confidential "(C)" levels used to identify national security information. Markings "For Official Use Only," and "Limited Official Use" shall not be used to identify national security information.

§ 140.22 Procedures.

(a) *Original classification.* The Commodity Futures Trading Commission has no original classification authority.

(b) *Derivative classification.* Personnel of the Commission shall respect the original classification markings assigned to information they receive from other agencies.

(c) *Declassification and downgrading.* Since the Commission does no original classification of material, declassification and downgrading of sensitive material is not applicable.

(d) *Dissemination.* All classified national security information which the Commission receives from any agency will be cared for and returned in accordance with the particular agency's policy guidelines and may not be disseminated to any other agency without the consent of the originating agency.

§ 140.23 General access requirements.

(a) *Determination of trustworthiness.* No person shall be given access to classified information unless a favorable determination has been made as to the person's trustworthiness. The determination of eligibility, referred to as a security clearance, shall be based on such investigations as the Commission may require in accordance with the applicable Office of Personnel Management standards and criteria.

(b) *Determination of need-to-know.* A person is not entitled to receive classified information solely by virtue of having been granted a security clearance. A person must also have a need for access to the particular classified information sought in connection with the performance of official government duties or contractual obligations. The determination of that need shall be made by officials having responsibility for the classified information.

§ 140.24 Control and accountability procedures.

Persons entrusted with classified information shall be responsible for providing protection and accountability for such information at all times and for locking classified information in approved security equipment whenever it is not in use or under direct supervision of authorized persons.

(a) *General safeguards.* (1) Classified material must not be left in unoccupied rooms or be left inadequately protected in an occupied office, or one occupied by other than security cleared employees. Under no circumstances shall classified material be placed in desk drawers or anywhere other than in approved storage containers.

(2) Employees using classified material shall take every precaution to prevent deliberate or casual inspection of it by unauthorized persons. Classified material shall be kept under constant surveillance and face down or covered when not in use.

(3) All copies of classified documents and any informal material such as memoranda, rough drafts, shorthand notes, carbon copies, carbon paper, typewriter ribbons, recording discs, spools and tapes shall be given the same classification and secure handling as the classified information they contain.

(4) Commission personnel authorized to use classified materials will obtain them from the Executive Director or his delegee on the day required and return them to the Executive Director or his delegee before the close of business on the same day.

(5) Classified information shall not be revealed in telephone or telecommunications conversations.

(6) Any person who has knowledge of the loss or possible compromise of classified information shall immediately report the circumstances either to the Personnel Security Officer or to the Executive Director or his delegee. The Executive Director or his delegee shall initiate a preliminary inquiry to determine the circumstances surrounding an actual or possible compromise, and to determine what corrective measures and administrative, disciplinary, or legal action is necessary.

(b) *Reproduction controls.* (1) The number of copies of documents containing classified information must be kept to the minimum required by operational necessity to decrease the risk of compromise and reduce storage costs.

(2) Top Secret documents, except for the controlled initial distribution of information processed or received electrically, shall not be reproduced without the consent of the originator.

(3) Unless restricted by the originating agency, Secret and Confidential documents may be reproduced to the extent required by operational needs.

(4) Reproduced copies of classified documents shall be subject to the same accountability and controls as the original documents.

(5) Classified reproduction shall be controlled by persons with the proper level of security clearance.

(6) Records shall be maintained to show the number and distribution of reproduced copies to all Top Secret documents, of all classified documents covered by special access programs distributed outside the originating agency, and of all Secret and Confidential documents which are marked with special dissemination and reproduction limitations.

(7) Unauthorized reproduction of classified material will be subject to appropriate disciplinary action.

(c) *Storage of classified material.* (1) All classified material in the custody of the Commission will be stored in accordance with the guidelines set forth in 32 CFR 2001.43.

(2) In addition, the Commission remains subject to the provisions of 32 CFR Part 2001, *et seq.*, insofar as they are applicable to classified materials held by the Commission.

Issued by the Commission on April 6, 1983, in Washington, D.C.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-9408 Filed 4-8-83; 8:45 am]

BILLING CODE 6351-01-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 504

Organization

AGENCY: United States Information Agency.

ACTION: Final rule.

SUMMARY: The United States Information Agency on a yearly basis updates Part 504 outlining the organizational changes and office moves

which have occurred during the past year.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Dina Andrews, Management Plans and Analysis Staff, Bureau of Management, Room 507, 1750 Pennsylvania Ave., NW., Washington, D.C. 20547 (AC) 202-724-0403.

SUPPLEMENTARY INFORMATION:

List of Subjects in 22 CFR Part 504

Organization and functions (Government agencies).

E.O. 12291 Federal Regulation

USIA has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

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

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

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

Dated: April 1, 1983.

Charles Z. Wick,

Director, United States Information Agency.

22 CFR, Chapter V, Part 504 is amended as follows:

PART 504—ORGANIZATION

1. Section 504.2 is amended by redesignating and revising paragraphs (c) and (d) as (d) and (e) and by adding a new paragraph (c) as follows:

§ 504.2 Description of central and field organization, established places at which, officers from whom, and methods whereby the public may obtain information.

* * * * *

(c) The International Communication Agency was redesignated the United States Information Agency by Section 303(a) of the United States Information Agency Authorization Act, Fiscal Years 1982 and 1983 (Pub. L. 97-241, 96 Stat. 291).

(d) The United States Information Agency has responsibility for the conduct of international information, education, and cultural activities, including exchange programs to build bridges of mutual understanding between Americans and the other peoples of the world. The United States Information Agency engages in a wide variety of communication activities—from academic and cultural exchanges to press, radio, and television programs—to accomplish its goals of strengthening foreign understanding of American society and support for United States policies. The United States Information Agency operates field posts in 124 foreign countries.

(e) Agency operations are organized along both functional and geographical lines under the Executive Policy group composed of the Director, Deputy Director, four Associate Directors, the Counselor, General Counsel, and Director of Public Liaison. (1) The four Bureaus are: Broadcasting (B), Programs (P), Educational and Cultural Affairs (E), and Management (M). (i) The Bureau of Broadcasting combines the functions of the Voice of America (Radio) and Television and Films. The Voice of America is the global radio network of the United States Information Agency which seeks to promote understanding abroad of the United States, its people, culture and policies. VOA conducts its operations in accordance with the VOA Charter, which states:

(1) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive.

(2) VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions.

(3) VOA will present the policies of the United States clearly and effectively, and will also present responsible discussion and opinion of these policies.

VOA produces and broadcasts radio programs in English and 41 foreign languages, and operates broadcasting and relay facilities to transmit these programs. The Television and Films Service is responsible for the acquisition and production of videotape programs and films for distribution through USIA overseas posts. Annually, 158 USIA video products are produced utilizing Television and Films own studios or facilities, and 195 films and VCRs are acquired annually from private U.S. sources. These products are shown directly by USIA posts to audiences overseas; many are also distributed through foreign media and commercial theaters abroad. USIA also provides foreign TV stations with special film coverages as well as the use of Television and Films facilities to assist foreign broadcasters in developing programs in the U.S. for telecast abroad. (ii) The Bureau of Programs is comprised of two small specialized staffs, three foreign press centers and four major offices and services. Their chiefs all report directly to the Associate Director. The Policy Guidance Staff provides both fast daily and indepth background guidance for operating elements of the Agency on those U.S. foreign policy issues which are susceptible to public diplomacy and on those domestic concerns which are relevant to the conduct of it. This staff also reviews program proposals of the Agency's overseas posts and Washington elements to assure that they are consistent with agreed-upon policy and that resources are allocated in accordance with priorities, and represents USIA in interagency meetings on public affairs issues, evaluates the extent to which media products reflect the Agency's subject priorities, and develops options and policy recommendations over the entire range of international communication policy issues for the Director of USIA and for the consideration of the U.S. Government as a whole. Foreign Press Centers in New York, Washington, and Los Angeles provide facilitative services to foreign journalists working in those cities. The Office of Program Coordination and Development coordinates the design and implementation of all Agency support for major communication projects proposed by the Agency's overseas posts or undertaken by it in response to worldwide and regional priorities set by the Director, recruits American participants for those projects, and develops a systematic aggregation of essential resource materials to guide the acquisition and production of media support for them. This Office also is responsible for the development and coordination of the Agency's arts initiative undertaken through an agreement with the National Endowments, including recruitment and scheduling of all Agency fine arts exhibitions and performing artists and groups for overseas programming. The Office of Research combines the functions of research, foreign media reaction reporting, and the Agency library. The two media services—Exhibits and Press and Publications are responsible for the acquisition and production of a variety of media products for use or adaptation by USIA's overseas posts. These include exhibits in various formats; a daily wireless bulletin to all posts, magazines, pamphlets, reprints, photographs, and picture stories. The media services also operates printing plants at two overseas locations.

(iii) The Bureau of Educational and Cultural Affairs (E) is composed of four major offices. The Office of Cultural Centers and Resources provides policy direction, program support, and

professional guidance and materials to overseas libraries and American and Binational Centers. It promotes the distribution of American books in English and in translation; operates a donated books program; and supports English teaching programs abroad. The Office of Private Sector Programs works with organizations in the private sector and in some cases provides limited financial assistance for their non-profit activities in support of the Agency's public diplomacy and international exchange of persons objectives. The Office of International Visitor Programs is responsible for planning, implementing, monitoring, and evaluating all International Visitor and Voluntary Visitor programs; for managing the Agency's four reception centers; for serving as the Agency's liaison with public and private organizations involved in the International Visitor Program; and for arranging programs in the U.S. for UN Fellows and foreign government trainees. The Office of Academic Programs is responsible for conducting academic exchanges between the United States and other countries; facilitating the establishment and maintenance of close ties between the American academic community and those abroad; encouraging and supporting American studies at foreign universities and other institutions of higher learning; and serving as action office for activities related to USIA's mandate to coordinate the informational, educational, cultural, and exchange programs of the U.S. Government and exercising primary responsibility for government-wide leadership and policy guidance with regard to international educational and cultural affairs; assisting domestic and overseas student support activities such as student advising, testing, university recommendations and orientation efforts; and working with the Board of Foreign Scholarships in the execution of academic exchange programs.

(iv) The Bureau of Management (M) is made up of eight major offices and one staff. The Associate Director of the Bureau is responsible for planning, organizing, directing, and controlling the Agency's administrative and management operations and participating as a member of the Agency's executive policy group. The Bureau's offices provide support services in the areas of administration, advanced technology, personnel and training, budget and fiscal operations, security, equal employment opportunity, inspections, audits, and contracts.

(v) The Counselor of the Agency (C) reports to the Director and Deputy Director. The Counselor assists in the overall direction of the Agency and, as a member of the Agency's "Executive Policy Group" is responsible for establishing broad Agency policies and assuring their effective execution. The Counselor is directly responsible for oversight of the activities of the Area Directors, assisting in negotiations with foreign governments, representing the Agency at interdepartmental meetings, performing representational duties, coordinating within the Agency on matters affecting overseas operations. The Counselor provides the Director and Deputy Director with recommendations on all Foreign Service personnel assignments and undertakes additional assignments as requested by the Director.

(vi) The heads of the five geographic areas are the Agency's principal advisors on all programs within countries in their respective areas. They help to formulate Agency policies and represent the Director in interagency working groups. The Area Directors (Africa; Europe; East Asia and Pacific; American Republics; and North Africa, Near East, and South Asia) are responsible for the coordination and management of all public diplomacy programs for the countries in their geographic areas. They supply a knowledge of field problems and requirements to the Agency's policy and planning processes. They arrange with media services to provide products to their areas. They coordinate with the appropriate area and country officers in the Department of State and other foreign affairs agencies on operational matters of mutual concern.

(vii) The Agency maintains 202 posts abroad in 124 countries. These posts are under the supervision of the U.S. Chiefs of Mission, and with the guidance of the Director and the appropriate Area Office Director, conduct information, educational exchange and cultural programs on behalf of the U.S. Government. Each overseas office is headed by a Public Affairs Officer who is a member of the "Country Team" under the Chief of Mission. A list of overseas offices is maintained by the Management Plans and Analysis Staff, Room 520, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20547.

(viii) The Office of the General Counsel and Congressional Liaison (GC). The General Counsel and legal staff advise all elements of the Agency on the interpretation of all laws, regulations, and Executive Orders that authorize the Agency's programs or relate to the Agency's activities. The Office assists in the drafting of proposed legislation, Executive Orders, regulations, contracts, leases, and other legal documents, and participates in the negotiation of international agreements. The Office represents the Agency in hearings arising from disputes on contracts, equal employment opportunity, grievances, labor disputes, and licensing. The Office provides support to trial counsel in cases tried before domestic and foreign courts. The Office secures the necessary rights clearances for the Agency's activities, exercises in full, authority vested in the Director by law relating to Exchange Visitor Program designation, visa waiver review, and authorized periods of duration of stays, and advises on matters relating to ethical conduct and conflict of interest of Agency employees. On congressional matters it maintains contact with Members and their staffs, provides information about the Agency as appropriate, and serves as Agency coordinator of hearings on substantive legislation and Agency programming of Members and staff.

(ix) The Office of Public Liaison, (PL), directs and carries out activities designed to discharge the Agency's obligation to provide information about USIA policies, mission and programs to the American people, and the communications media. It publishes news releases, fact sheets and pamphlets; provides Agency speakers in response to invitations from organizations and institutions in the U.S.; and holds seminars and workshops with academic, business, professional and public interest institutions, and groups. It is responsible for the publication of the Agency's internal newsletter. The office is responsible for conducting tours of the Agency exhibit at the VOA headquarters. The 1983 estimate provides for a staff of 24 positions.

(x) The foregoing Agency elements have their principal Washington Offices as listed in Appendix I.

Appendix I—United States Information Agency Office Locations in Washington, D.C. Area

(1) Agency element located at 400 C Street, NW., Washington, D.C. 20547:

Office of the Director
Counselor of the Agency
Office of Public Liaison
Office of the General Counsel and Congressional Liaison
Bureau of Programs—
  Office of Research
  Office of Program Coordination and Development
  Exhibits Service
  Press and Publications Service

Bureau of Management—
Office of Administration and Technology
Office of Audits
Office of the Comptroller
Office of Equal Employment Opportunity
Office of Inspections
Office of Personnel
Office of Security
Managements Plans and Analysis Staff
Bureau of Educational and Cultural Affairs—
Office of International Visitors
Office of Academic Programs
Office of Cultural Centers and Resources
Office of Private Sector Programs
Office of African Affairs
Office of European Affairs
Office of East Asian and Pacific Affairs
Office of American Republics Affairs
Office of North African, Near Eastern, and South Asian Affairs United States Advisory Commission on Public Diplomacy
(2) Other Agency Elements and addresses:
(a) United States Information Agency, Health and Human Services Building (North), 330 Independence Avenue, SW., Washington, D.C. 20547; Bureau of Broadcasting.
(b) United States Information Agency, Health and Human Services Building (South), 330 C Street, SW., Washington, D.C. 20547; Bureau of Management—Office of Contracts.
(c) United States Information Agency, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20547; Bureau of Broadcasting—Television and Film Service.
(d) United States Information Agency, Bureau of Programs—Foreign Press Center, National Press Building, 529 14th Street, NW, Washington, D.C. 20547.

Appendix II—United States Information Agency Office Locations Outside the Washington, D.C. Area

United States Information Agency, Bureau of Broadcasting—
(a) Television and Film Service, New York Office, Room 30–100, 26 Federal Plaza, New York, N.Y. 10278
(b) Relay Stations
(1) Bethany Relay Station, P.O. Box 227, Mason, Ohio 45040
(2) Delano Relay Station, Route 1, Box 1350, Delano, Calif. 93215
(3) Dixon Relay Station, Route 2, Box 739, Dixon, Calif. 95620
(4) Marathon Relay Station, P.O. Box 726, Marathon, Fla. 33050
(5) Edward R. Murrow Transmitting Station, P.O. Box 1826, Greenville, N.C. 27834
(c) News Bureaus
(1) Midwest News Bureau, Room 3873, Federal Building, 230 South Dearborn Street, Chicago, Ill. 60604
(2) Southeast News Bureau, Room 1518, Federal Office Building, 51 S.W. First Avenue, Miami, Fla. 33130
(3) West Coast News Bureau, Room 11221, Federal Building, 11000 Wilshire Boulevard, Los Angeles, Calif. 90024
(4) New York News Bureau, Room 30–100, 26 Federal Plaza, New York, N.Y. 10278
Bureau of Programs
(a) Foreign Press Centers
(1) Federal Bldg., 11000 Wilshire Blvd., Los Angeles, Calif. 90024
(2) 18 E. 50th Street, 13th Floor, New York, N.Y. 10022
(b) Senior Advisor for Public Affairs, U.S. Mission to the United Nations, 799 United Nations Plaza, New York 10017
Bureau of Management
Administrative Services Division, New York Services Branch, 830 Third Avenue Brooklyn, N.Y. 11232
Bureau of Educational and Cultural Affairs—Reception Centers
(a) Honolulu—P.O. Box 50186, Honolulu, Hawaii 96850
(b) Miami—Room 1304, Federal Office Bldg., 50 SW. First Avenue, Miami, Fla. 33130
(c) New Orleans—Suite 1130 International Trade Mart 2 Canal Street, New Orleans, La. 70130
(d) New York—Third Floor, 1414 Avenue of the Americas, New York, N.Y. 10019
Office of Public Liaison—New York Public Liaison Office, Room 30–100, 26 Federal Plaza, New York, N.Y. 10278

[FR Doc. 83-9308 Filed 4-8-83; 8:45 am]
BILLING CODE 8230-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 74

[CGD 81-051]

Charges for Coast Guard Aids to Navigation Work

AGENCY: Coast Guard, DOT.

ACTION: Final rules.

SUMMARY: These regulations revise the charges for Coast Guard aids to navigation work. The charges presently listed in the Code of Federal Regulations were established in 1976 and do not reflect current costs. This document deletes these charges from Part 74 of the regulations and directs interested parties to the appropriate Coast Guard District Commander for charge schedules. Additionally, the regulations are simplified with unnecessary material removed.

DATES: This rule is effective May 11, 1983.

FOR FURTHER INFORMATION CONTACT: LTJG Ronald A. Gan, Office of Navigation, Short Range Aids to Navigation Division (G-NSR/14), Room 1416, U.S. Coast Guard Headquarters, 2100 Second St. SW. Washington, D.C. 20593, (202) 426-1973, between 8 AM and 4 PM Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) was published in the **Federal Register** of October 28, 1982 (47 FR 47864). The comment period for this NPRM (CGD-81-051) ended on December 13, 1982. One comment was received. This comment supports the change. No request for a public hearing was received; no public hearing is scheduled.

Drafting Information

The principal persons involved in drafting these regulations are: LTJG Ronald A. GAN, Project Manager, Office of Navigation, and LT Mark D. HANLON, Project Attorney, Office of the Chief Counsel.

Background

Title 14, section 85, United States Code gives the Secretary of Transportation, for the protection of maritime navigation, the authority to prescribe and enforce necessary and reasonable rules and regulations relative to the establishment, maintenance, and operation of lights and other signals on fixed and floating structures in or over waters subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States.

Title 14, section 86, United States Code gives the Coast Guard the authority to mark the location of any sunken vessel or other obstruction to navigation existing on the navigable waters or waters above the Continental Shelf of the United States. The Coast Guard may then, at the discretion of the Secretary of Transportation, charge the owners of the same for the cost of marking.

Title 14, section 642 of the United States Code authorizes the Coast Guard to recover the cost of repair or replacement of an aid to navigation that is damaged or destroyed by a private person.

Discussion of Final Rule

This document revises regulations which specify the charges for Coast Guard aids to navigation work. Presently, the charges are listed in the Code of Federal Regulations. These charges were last reviewed in 1976 and do not reflect the present cost of Coast Guard equipment and services. The transfer of these costs from the regulations to an annually revised, and readily available, Coast Guard publication will allow the Coast Guard to charge the users for the current average cost of manpower and equipment associated with the marking process. The average cost is based upon review of actual expenses recorded by units servicing aids to navigation.

The discrepancies between the prior charges published in 33 CFR Part 74 and the actual costs incurred forced the Coast Guard to absorb any increases in the cost of manpower and equipment. Using 1981 accounting data, the greatest loss absorbed in buoy costs was in the preparation and servicing of an 8-foot lighted buoy. It costs approximately $1,420 to prepare a buoy of this type for setting. The preparation as previously listed in Part 74 was $869. The resulting loss to the Coast Guard was $551. Further, the monthly service charge for this buoy previously listed in Part 74 was $63 while the actual cost is $86. This resulted in a monthly servicing loss of $23.

In the case of certain smaller buoys, the difference between the previously published charges and the actual costs resulted in the user being charged too much for the aids to navigation work. The rest illustration of this is the 4th class can or nun buoy. The previously published preparation charge for this buoy was $112. Due to advances in the design of this type of buoy, preparation is no longer required before setting the buoy and the user was unnecessaily charged. The previously published monthly service charge was $21 while the actual cost is only $4. This discrepancy resulted in the user being overcharged $17 per month by the Coast Guard.

The disparity between the prior published charges and actual charges for aids to navigation work is not limited to the buoy costs alone. The vessel and boat use costs have also gone up markedly since the prior review of charges in 1976.

Using 1981 accounting data, the greatest discrepancy existed in the cost per hour of a coastal buoy tender (WLM). Part 74 listed the cost per hour of a WLM as $194. This published average hourly charge for the three types of WLM was drastically less than the actual cost. In reality, a 175 foot WLM costs $871 per hour to operate, a 157 foot WLM costs $638 per hour, and a 133 foot WLM cost $443 per hour. Consequently, the Coast Guard had to absorb the difference in the costs which ranged from $677 to $249.

The revisions to this Part are necessary and worthwhile because the financial burden for aids to navigation work is more equitably shifted from the taxpayers to the actual users of the service. Subpart 74.05, Charges to Armed Forces and Subpart 74.15, Charges to Federal Agencies Other Than the Armed Forces, are removed. These subparts regulated various charges to other governmental agencies. Agreements between governmental agencies need not be codified in the Code of Federal Regulations.

Regulatory Evaluation

These regulations have been evaluated under DOT Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations", dated May 22, 1980, and have been found not to be significant. The increase in cost to the public will vary since the work performed, types of vessels performing, and charges will vary. A review of past charges was conducted in an effort to determine the scope of the impact of this revision on the public. In 1981, the Coast Guard charged the public $83,750 for the installation and maintenance of aids marking sunken obstructions. It is estimated that this revision will increase the overall replacement charges by 16%, overall preparation charges by 30%, overall service charges by 13%, and overall vessel use charges by 204%. For example, if a third class unlighted buoy is prepared, installed by a 75 foot WLR in three billable hours, and maintained for one year, the previous charge was $562. The charge, based upon the latest average cost figures, is $966. The result is a 72% charge increase. If, for example, a 3½-foot lighted buoy is prepared, installed by a 133 foot WLM in three billable hours, and maintained for one year, the previous charge was $1,193. The present charge, based upon the latest average cost figures, is $2,112. The result is a 77% charge increase. Assuming an average charge increase of 75% and assuming the work performed in the future will be similar to that done in 1981, the amount chargeable will increase from $83,750 to $146,562.

The satisfactory marking of a sunken wreck by its owner is a statutory obligation. If the owner is unable to mark the wreck privately, he may request that the Coast Guard mark the wreck. Any increase in the charge for Coast Guard marking will not additionally burden the owner since he may elect to mark the wreck privately.

These regulations have been evaluated under E.O. 12291 and have been determined not to be major, for the reasons stated above. In addition, these regulations are certified as having no significant economic impact upon a substantial number of small entities. The need to mark an obstruction is a random occurrence which is no more likely to affect small entities than any other entity. In the event that a small business entity is affected, it is anticipated that the maximum increase in the cost of marking an obstruction will be $1,000. This relatively minor cost increase is not expected to significantly impact the economics of small businesses.

List of Subjects in 33 CFR Part 74

Navigation (water).

PART 74—[AMENDED]

In consideration of the foregoing, Part 74 of Title 33, Code of Federal Regulations, is amended as follows:

(1) The authority citation for Part 74 is revised as follows:

Authority: 14 USC 81, 85, 86, 92, 93, 141, 633, 642, 647; (49 CFR 1.46 (b)).

Subpart 74.01—Charges to the Public

(2) By revising § 74.01–10 as follows:

§ 74.01–10 Charges invoiced to owner for marking sunken wrecks and other obstructions to navigation.

Charges for the establishment, maintenance, and replacement by the Coast Guard of an aid, either permanent or temporary, to mark a sunken wreck or other obstruction to navigation are calculated to recover the Coast Guard costs involved in, or associated with, the marking process. These charges will be invoiced to the owner of the obstruction. Charges for the removal of aids to navigation established by the Coast Guard will be invoiced to the owner unless the District Engineer requests the continued marking of the obstruction. All charges will be assessed in accordance with Subpart 74.20 of this part.

Subpart 74.05—Charges to the Armed Forces [Removed]

(3) By removing Subpart 74.05.

Subpart 74.15—Charges to Federal Agencies Other Than the Armed Forces [Removed]

(4) By removing Subpart 74.15.

Subpart 74.20—Aids to Navigation Costs

(5) By revising § 74.20–1 to read as follows:

§ 74.20–1 Buoy and vessel use costs.

(a) The buoy and vessel use costs for establishing, maintaining, repairing, replacing, or removing an aid to navigation under the requirements of this part are contained in COMDTNOTE 7310 (series) which is available at the Office of the Comptroller of the appropriate Coast Guard District Commander.

(b) Buoy and vessel use charges under this part are made for the cost or value of time, in hours, consumed by the

Government vessel, including ship's complement, employed in marking the obstruction. No charge for time and expense of Coast Guard vessels is made when the marking of the obstruction causes only minimal interruption of routinely scheduled ship's duty.

Dated: March 17, 1983.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 83-9092 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Service to Spain and Tunisia

AGENCY: Postal Service.

ACTION: Final action on International Express Mail Service to Spain and Tunisia.

SUMMARY: Pursuant to agreements with the postal administrations of Spain and Tunisia, the Postal Service intends to begin International Express Mail Service with Spain and Tunisia at postage rates indicated in the tables below. Service is scheduled to begin on May 9, 1983.

EFFECTIVE DATE: May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Leon W. Perlinn, (202) 245-4414.

SUPPLEMENTARY INFORMATION: By a notice published in the **Federal Register** on March 7, 1983 (48 FR 9543,), the Postal Service announced that it was proposing to begin International Express Mail Service to Spain and Tunisia on May 9, 1983. Comments were invited on published rate tables, which were proposed amendments to the International Mail Manual (incorporated by reference in the **Federal Register**, 39 CFR 10.1), and which are to become effective on the date service begins. No comments were received.

Accordingly, the Postal Service is confirming that it intends to begin International Express Mail Service with Spain and Tunisia on May 9, 1983 at the rates indicated in the tables below.

List of Subjects in 39 CFR Part 10

Foreign relations.

SPAIN—INTERNATIONAL EXPRESS MAIL

Custom designed service [1] [2]		On demand service [3]	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
1	$27.00	1	$19.00
2	29.90	2	21.90
3	32.80	3	24.80
4	35.70	4	27.70
5	38.60	5	30.60
6	41.50	6	33.50
7	44.40	7	36.40
8	47.30	8	39.30
9	50.20	9	42.20
10	53.10	10	45.10
11	56.00	11	48.00
12	58.90	12	50.90
13	61.80	13	53.80
14	64.70	14	56.70
15	67.60	15	59.60
16	70.50	16	62.50
17	73.40	17	65.40
18	76.30	18	68.30
19	79.20	19	71.20
20	82.10	20	74.10
21	85.00	21	77.00
22	87.90	22	79.90
23	90.80	23	82.80
24	93.70	24	85.70
25	96.60	25	88.60
26	99.50	26	91.50
27	102.40	27	94.40
28	105.30	28	97.30
29	108.20	29	100.20
30	111.10	30	103.10
31	114.00	31	106.00
32	116.90	32	108.90
33	119.80	33	111.80
34	122.70	34	114.70
35	125.60	35	117.60
36	128.50	36	120.50
37	131.40	37	123.40
38	134.30	38	126.30
39	137.20	39	129.20
40	140.10	40	132.10
41	143.00	41	135.00
42	145.90	42	137.90
43	148.80	43	140.80
44	151.70	44	143.70

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

TUNISIA—INTERNATIONAL EXPRESS MAIL

Custom designed service [1] [2]		On demand service [3]	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90

TUNISIA—INTERNATIONAL EXPRESS MAIL—Continued

Custom designed service [1] [2]		On demand service [3]	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40
34	150.10	34	142.10
35	153.80	35	145.80
36	157.50	36	149.50
37	161.20	37	153.20
38	164.90	38	156.90
39	168.60	39	160.60
40	172.30	40	164.30
41	176.00	41	168.00
42	179.70	42	171.70
43	183.40	43	175.40
44	187.10	44	179.10

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

A transmittal letter making these changes in the pages of the International Mail Manual will be published in the **Federal Register** as provided in 39 CFR 10.3 and will be transmitted to subscribers automatically.

(39 U.S.C. 401, 404, 407)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 83-9307 Filed 4-8-83; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 50, 66, 106, and 110

[CGD 80-161]

Ocean Thermal Energy Conversion Facility and Plantship Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These regulations implement the Coast Guard's responsibilities pursuant to the Ocean Thermal Energy Conversion Act of 1980. The Act requires the Coast Guard to prescribe rules for ocean thermal energy conversion (OTEC) facilities and plantships for the purpose of promoting the safety of life and property at sea and protecting the marine environment. The regulations will affect prospective OTEC licensees and related private industry support interests. Vessel marking requirements in this rulemaking will also affect general navigation interests. The rules reference existing regulations and

establish new requirements for features which are unique to OTEC facilities and plantships.

EFFECTIVE DATE: This final rule becomes effective May 11, 1983.

FOR FURTHER INFORMATION CONTACT: LT Thomas M. Curelli, Office of Merchant Marine Safety, Room 1306, U.S. Coast Guard Headquarters, 2100 2nd St. S.W., Washington, D.C. 20593; (202–426–2187).

SUPPLEMENTARY INFORMATION: On October 5, 1981 a Notice of Proposed Rulemaking was published (46 FR 49078) on this subject. Comments were received from nine commenters including private corporations, industry associations, research companies, government agencies, and educational institutions. No requests were received for a public hearing and none was held.

Drafting Information

The principal persons involved in drafting this rulemaking are: LT Thomas M. Curelli, Office of Merchant Marine Safety, and LT Walter Brudzinski, Office of Chief Counsel.

Discussion of Comments

Comments from nine sources were received on fourteen different topics. Commenters were unanimously in favor of this rulemaking although clarification on certain proposed rules appears necessary. A discussion of each comment follows.

Pollution Prevention

One commenter noted that consideration should be given to the pollution potential of the chemical additives used to prevent and remove fouling from the heat exchanger sea water surfaces. The Coast Guard has considered this issue from two perspectives, the threat posed by the possible normal operating discharges and the threat posed by the transportation and storage of these materials.

For substances designated as hazardous by the final rule in § 106.303, the Coast Guard will, if the potential pollution threat warrants, insure OTEC contingency plans adequately address response actions in the event of an accidental discharge. Operational discharges will be evaluated on an individual case basis during the joint federal agency licensing process conducted by NOAA.

Navigation Safety

One commenter suggested that OTEC facilities and plantships carry collision avoidance radar. The Coast Guard feels that even though such radar can be a useful warning device, requiring its use on OTEC facilities and plantships is in excess of established safety requirements. If necessary, a Safety Zone may be established around the facility or plantship.

Documentation, Design and Manning

One commenter noted that routine maintenance procedures will require entry into the "OTEC working fluid zones" and that the procedures for isolating, clearing, ventilating, sealing, testing and reactivating those sections should be subject to procedures developed by the designers/operators and approved by the Coast Guard. This concern involves anticipated maintenance and/or repairs that will require the dismantling and inspection of the components and piping which handle hazardous materials.

The Coast Guard believes that if such maintenance and repairs are to be conducted on vessels and considered normal operations, an approved procedures guide must be used in conjunction with the required hazardous material protection plan. This guide will be approved by the Commandant on an individual vessel basis. The guide should include safety measures for the protection of the work force and procedures to prevent accidental release of hazardous substances. Section 106.305-Safety has been changed to include this requirement.

Two commenters requested an explanation of why an operating manual is not required for guidance in the safe operation of the facility or plantship during normal and extreme conditions. Such operating manuals are required for mobile offshore drilling units (MODUs) in § 109 of Subchapter I–A. Due to the nature of mobile offshore drilling units, the mode of operation changes for extreme weather or changes of station. OTEC facilities and plantships will probably remain under the same mode (operating drafts, loading conditions, etc.) for great lengths of time and will be designed to withstand heavy weather without changes in the vessel mode. Sufficient safe operational guidance is provided in the hazardous materials protection plans, station bills, stability letter and other required documents carried aboard the vessel.

One commenter took issue with the proposed § 106.215-Accommodation Spaces. This section requires that no part of the accommodation spaces deck shall be below the level of the deepest loadline. The commenter suggested that the Commandant may approve exceptions to this in special cases as long as the deck head of the crew spaces does not extend below the deepest load line. The Coast Guard feels this is consistent with established marine safety requirements. Accordingly, § 106.215(b) has been changed to accommodate this suggestion.

One commenter stated that there appears to be no requirement for maneuvering data to be posted on the bridge of OTEC plantships. Although a requirement for maneuvering data is not stated specifically in the proposed PART 106, Subpart K-Operations requires OTEC facilities and plantships to comply with applicable sections of 46 CFR 109.564-Maneuvering characteristics. This section requires that the master or person-in-charge of each self-propelled plantship of 1600 gross tons and over shall ensure that a maneuvering information fact sheet is prominently displayed in the pilothouse.

One commenter noted that the definitions of OTEC facilities and plantships contained in proposed 46 CFR 66.03–21 and 66.03–23 differ from those found in the OTEC Act. The definitions found in Sections 3 (11) and (12) of Pub. L. 96–320 include cables, pipelines, and other associated equipment and appurtenances, while those found in the final rule do not include this equipment. The definitions found in proposed 46 CFR 66.03–21 and 66.03–23 apply solely to the documentation and admeasurement of vessels. Cables, pipelines and other associated equipment are a part of the vessel and not inherently capable of being documented or admeasured. Since they are not independently applicable to the documentation and admeasurement regulations, the inclusion of them in the definitions would be misleading and inaccurate.

One commenter submitted that the definition "Floating OTEC Facility" should include floating plants that use systems such as thrusters and dynamic positioning system for station keeping in addition to those plants that are securely and substantially moored to the ocean floor. The Coast Guard does not agree with this position. The definitions of plantships and floating facilities are very clear. A dynamically positioned OTEC is classified as a plantship, unlesss it is securely and substantially moored to the ocean floor so that it can not be moved without special effort.

The proposed changes to 46 CFR Part 66 have been superceded by publication of 47 FR 27494, a new 46 Part CFR 67, on June 24, 1982. Therefore, proposed 46 CFR 66.03–5, 66.03–21, 66.03–23 have been retracted from this rulemaking and incorporated without change in 46 CFR Part 67.

One commenter expressed concern that the minimum manning requirements will have a substantial impact on the operating costs of OTEC facilities. He recommended that special provisions be made for minimum crewing of such facilities where automation of operating equipment is provided with remote monitoring from a shore control facility. Present Subchapter P-Manning of Vessels, requirements provide for the minimum level of manning consistent with the vessel's safety. Partial or full automation will be considered for OTEC facilities on an individual facility basis. This will allow the greatest degree of freedom in setting the manning level consistent with an individual vessel's safety and the safety of the marine environment. Partial or full automation will be acceptable under these provisions assuming proper facility design.

Two commenters objected to the proposed § 109.209—Marine Engineering Requirements. This required case by case authorization from the Commandant for the use of aluminum or aluminum alloys which will be in contact with anhydrous ammonia. It was suggested by the commenters that it is not appropriate to apply the same requirements to ocean thermal energy conversion as to the regulation of transportation of anhydrous ammonia. It is not the intent of the proposed rules to prohibit the use of aluminum in OTEC industrial systems. Proposed design will be compared to applicable national or industry standards which have been adapted for marine application. Where no standard exists, proposed designs will be considered by the Commandant on an individual basis. This approach will allow for the development of new technological applications, while assuring the general safety of the system.

Five commenters recommended that Subpart B-Inspection and Certification be amended to provide for special examination in lieu of drydocking as the normal procedure, rather than as an exception requiring approval by the Commandant. The proposed rules required inspections at intervals not to exceed 24 months. If drydocking is found to be feasible for a facility or plantship, then special plans need not be approved by the Commandant and the inspection may be handled entirely by the cognizant Officer in Charge, Marine Inspection (OCMI). Where it is not feasible to drydock a facility or plantship due to size, shape, economic considerations, or other circumstances, a special examination in lieu of drydocking may be conducted in accordance with § 106.103.

It is essential that the Commandant approve the procedures and plans as these examinations will be specific to each type of OTEC facility or plantship and consideration must be given to the adequacy and safety of the examinations. The Coast Guard feels that the final rule provides for the necessary inspections with sufficient flexibility so as not to burden any OTEC configuration.

General Comments

The Coast Guard published a reorganization of navigation rules on Tuesday, May 26, 1981 (46 FR 28153). Those regulations reorganize the rules contained in Title 33 by renaming or deleting the headings of Subchapter D, DD, E, and F, and by renumbering the parts in those Subchapters. No changes were made to the text of any of the affected regulations. Section 106.011 Navigation rules for plantships is changed to reflect this regulation and is revised to read, "* * * 33 CFR Part 81."

One commenter was concerned that the Coast Guard's estimated cost or regulatory compliance was excessive. The draft evaluation used a figure determined from historical data on compliance costs for conventional vessels and mobile offshore drilling units. These figures are very rough estimates derived from marine industry input. In order to determine the cost of compliance for OTEC facilities and plantships a general estimation is included in the final evaluation. This will include estimated costs for an anticipated OTEC of a given size. The Coast Guard does, however, realize that the marginal cost of compliance will very greatly and has designed the regulations to keep the cost of compliance to a minimum.

One commenter took issue with our certification, under the Regulatory Flexibility Act, that the proposed regulations would not have a significant economic effect on a substantial number of small entities. Our conclusion is based on an estimate that not more than ten OTEC facilities and plantships are anticipated and the assumption that the magnitude of the investment required in a project would preclude participation, at the owner/operator level towards which these rules are directed, by other than major companies. The commentor is a small company and states that "if OTEC proves to be an economic and reliable source of power, then there will be thousands of OTEC plants." Nothing in the rules precludes participation by small companies and we believe the flexibility provided by the rules, which the commenter commends, enhances the ability of small firms with innovative designs to participate in the development of the OTEC industry. We remain of the view, however, that for the foreseeable future, the number of OTEC facilities will be limited and there will not be a substantial number of small entities affected by these rules. Section 117 of Pub. L. 96–320, the OTEC Act of 1980, does provide for the periodic review and revision of regulations not more than every three years. The Coast Guard will reevaluate this position as part of each periodic review. Therefore, the Coast Guard certifies under the provisions of Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601) that the regulations will not have a significant economic impact on a substantial number of small entities.

Evaluation

These regulations are considered non-significant and a final evaluation has been prepared and placed in the public docket as required by the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The Order requires that the evaluation contain an economic analysis which quantifies the estimated costs of the regulations to the private sector, consumers and governments, as well as the anticipated benefits and impacts of the regulations. These regulations will impose no unanticipated costs on the OTEC industry since they largely incorporate existing regulations which apply to similar vessels. The regulations establish a framework within which the emerging OTEC industry may develop. This will permit the rapid and orderly development of a vital alternative energy resource.

The estimated costs of regulatory compliance are outlined in the final evaluation and are considered to be minimal in comparison to non-Coast Guard regulated design and construction where practical seamanship dictates a minimum set of requirements. The marginal cost of compliance is estimated to be less than one percent of the total capital investment. A copy of the final evaluation may be obtained from the Commandant (G–CMC), Room 2418, U.S. Coast Guard Headquarters, 2100 Second St. S.W., Washington, D.C. 20593 (202–426–1477).

The regulations have also been found to be non-major under Executive Order 12291. They are designed to facilitate OTEC development through a minimum of regulatory control. The ocean thermal energy conversion system will produce usable energy at a minimal societal cost,

and by doing so will maximize the benefits to be received by all. The approval of OTEC facility design and equipment will be carried out with a view towards allowing designs which maximize flexibility and are consistent with the needs of safety and environmental protection. This minimizing of regulatory control and cooperation with the OTEC industry should produce maximum benefits for all parties. By fostering the productivity of an emerging industry, innovation and employment of United States industries should be enhanced.

For the reasons discussed above, it is certified that these regulations have also been determined to have no significant economic impact on a substantial number of small entities as required by the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601). No more than ten OTEC facilities are anticipated in the foreseeable future and the cost of each facility will be such as to preclude participation by all but the major energy companies and consortiums. While the number of entities involved will be small, the relative economic size of those entities is unlikely to be within the scope of the small business activities envisioned by the Act.

These regulations may subject some OTEC units to recordkeeping and reporting requirements. However, these requirements will be of limited impact and will be applicable to less than ten units for the foreseeable future. No comments on recordkeeping were received. These regulations will fall under the Section 3506(c)(5) exception of the Paperwork Reduction Act, since fewer than ten facilities are anticipated.

The Coast Guard has concluded that the environmental impact of these particular proposals will be minimal. Coast Guard actions performed under statutory authority for documentation and inspection authority for documentation and inspection of vessels are not normally actions with significant effect on the environment and do not require and Environment Assessment, Findings of No Significant Impact, or Environmental Impact Statement (EIS). Thus, a detailed EIS is not being prepared for this rulemaking.

List of Subjects

46 CFR Part 50

Marine safety, Ocean thermal energy conversion, and Vessels.

46 CFR Part 106

Energy, Environmental protection, Fire protection, Hazardous materials, Marine safety, Ocean thermal energy conversion and Vessels.

46 CFR Part 110

Vessels.

In consideration of the foregoing, the proposed rules in the **Federal Register** of October 5, 1981 (46 FR 49078) are adopted with some modifications as set forth below.

PART 50—GENERAL PROVISIONS

1. Paragraph (k) is added to § 50.01–1 to read as follows:

§ 50.01–1 Authority for regulations.

* * * * *

(k) *OTEC facilities and plantships.* The citation regarding authority to prescribe requirements for OTEC facilities and plantships is in PART 106 of this Chapter.

2. Paragraph (c) is added to § 50.05–15 to read as follows:

§ 50.05–15 Vessels subject to regulations in this subchapter.

* * * * *

(c) The provisions in this subchapter apply to OTEC facilities and plantships licensed under the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq).

3. By adding a new Part 106 to read as follows:

PART 106—OCEAN THERMAL ENERGY CONVERSION FACILITIES AND PLANTSHIPS

Subpart A—General

Sec.
106.001 Purpose.
106.003 Applicability.
106.005 Definition of terms used in this Part.
106.007 Pollution prevention.
106.009 Lights and warning devices.
106.011 Navigation rules for plantships.
106.013 Radiotelephone requirements.
106.015 Navigation safety requirements.

Subpart B—Inspection and Certification

106.100 Application.
106.103 Special examination in lieu of drydocking.
106.105 Plan approval.

Subpart C—Construction and Arrangement

106.200 General.
106.203 Structural standards.
106.205 General fire protection.
106.207 Structural fire protection.
106.209 Marine and electrical engineering requirements.
106.211 Means of escape.
106.213 Ventilation.
106.215 Accommodation spaces.
106.217 Rails.
106.219 Helicopter facilities.

Subpart D—Hazardous Materials

106.300 Purpose.
106.303 Designation of materials.
106.305 Safety.

Subpart E—Stability

Sec.
106.400 Application.
106.403 Tension tendon tethered facility stability.
106.405 Stability test.

Subpart F—Fire Extinguishing Systems

106.501 Application.

Subpart G—Lifesaving Equipment

106.601 Application.

Subpart H—Cranes and Power Operated Industrial Trucks

106.701 Application.

Subpart I—Equipment Markings and Instructions

106.801 Application.

Subpart J—Miscellaneous Equipment

106.901 Application.

Subpart K—Operations

106.1001 Application.

Subpart L—Manning

106.1101 Requirements.

Authority: Pub. L. 96–320, 94 Stat. 974, (42 U.S.C. 9118, 9119(c), 9153(a), (b)); 49 CFR 1.46(ee).

Subpart A—General

§ 106.001 Purpose.

This part states the requirements for the promotion of safety of life and property on ocean thermal energy conversion facilities and plantships, protection of the marine environment from adverse impact resulting from OTEC activities, and implementation of the requirements of Section 108 of the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9118–9119).

§ 106.003 Applicability.

This part applies to facilities, plantships, vessels, and persons engaged in the production of energy from seawater temperature differences and licensed under the provisions of the Ocean Thermal Energy Conversion Act of 1980.

§ 106.005 Definition of terms used in this Part.

As used in this Part:

"Ocean Thermal Energy Conversion Facility (OTEC Facility)" means any facility which is standing or moored in or beyond the territorial sea of the United States and which is designed to use temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such facility to use this electricity or other form of energy to produce, process, refine or manufacture a product, any equipment

used to transfer the product to other vessels for transportation to users, and all other associated equipment and appurtenances of the facility to the extent they are located seaward of the high water mark.

"Ocean Thermal Energy Conversion Plantship (OTEC Plantship)" means any vessel which is designed to use temperature differences in ocean water while floating unmoored or moving through such water, to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such vessel to use this electricity or other form of energy to produce, process, refine, or manufacture a product, and any equipment used to transfer the product to other vessels for transportation to users, and all other associated equipment and appurtenances of such vessels.

"OTEC" means ocean thermal energy conversion.

"Fixed Bottom Founded OTEC Facility (fixed facility)" means any facility which is permanently fixed to the ocean floor and does not use liquid buoyancy as a means of support.

"Floating OTEC Facility (floating facility)" means any buoyant facility securely and substantially moored to the ocean floor so that it cannot be moved without a special effort.

"Person" means any individual (whether or not a citizen of the United States), any corporation, partnership, association, or other entity organized or existing under the laws of any nation, and any federal, state, local or foreign government or any entity of any such government.

§ 106.007 Pollution prevention.

OTEC facilities and plantships are subject to the oil pollution regulations of 33 CFR Parts 154, 155, and 156.

§ 106.009 Lights and warning devices.

OTEC facilities are subject to the provisions of 33 CFR Part 64, concerning the marking of sunken vessels and other obstructions and 33 CFR Part 66, concerning private aids to navigation.

§ 106.011 Navigation rules for plantships.

The navigation and marking of OTEC plantships shall be in compliance with 33 CFR Part 81.

§ 106.013 Radiotelephone requirements.

The owner or operator of an OTEC facility or plantship shall comply with the radiotelephone requirements of 33 CFR Part 26.

§ 106.015 Navigation safety requirements.

The owner of an OTEC plantship shall ensure that the plantship is in compliance with the navigation safety regulations of 33 CFR Part 164.

Subpart B—Inspection and Certification

§ 106.100 Application.

Each OTEC facility and plantship shall meet Part 107, Subpart B—Inspection and Certification of this chapter, except that reference will be made to Subpart C of this Part for the requirements of § 107.231(a)(1).

§ 106.103 Special examination in lieu of drydocking.

(a) Each fixed facility must be examined at intervals not to exceed 24 months.

(b) Plantships and floating facilities may be specially examined in lieu of the drydocking required by § 107.261 when approved by the Commandant and in accordance with a plan—

(1) Submitted in accordance with paragraph (c) of this section; and

(2) Accepted by the Commandant.

(c) To meet the requirements in paragraphs (a) and (b) of this section, the owner of the OTEC facility or plantship must submit a plan to the cognizant OCMI that describes the methods used to determine the condition of the hull and mooring system or supporting structure for fixed facilities. The plan must contain the following information:

(1) The planned location where the facility or plantship is to be examined.

(2) The draft at which a hull is to be examined, or the depth of supporting structure.

(3) The names of the divers or diving company selected for the examination.

(4) The method of visual presentation for the examination.

(5) The method used to clean the underwater portion of the hull or structure.

(6) The method and location of gauging the underwater portion of the hull or structure.

(7) The number of underwater hull fittings and number of compartments to be opened.

(8) The underwater high stress areas and the welds in those areas to be examined.

(9) The method used to examine the intake and discharge pipes and joints.

§ 106.105 Plan approval.

(a) The list of required plans is general in character, but includes all plans which normally show construction and safety features coming under the cognizance of the Coast Guard. In the case of a particular facility or plantship, all of the plans listed may not be applicable, and it is intended that only those plans and specifications be submitted as will clearly show the arrangement, construction, and required equipment.

(b) Plans must be submitted in accordance with the requirements of Subchapter I–A, §§ 107.305, 107.309 and 107.317 of this Chapter.

(c) An operating manual is not required for OTEC facilities and plantships.

(d) Plans required in addition to those of § 107.305 of this Chapter are:

(1) Outboard profile showing entire mooring and cold water pipe schemes.

(2) Cold water, warm water, and discharge pipe arrangements and details.

(3) Structural calculations and plans showing special structural features.

(4) Bottom attachment details and calculations for fixed structures.

(5) Support structure details and calculations for fixed structures.

(6) The hazardous material plan required by § 106.305 of this Part.

Subpart C—Construction and Arrangement

§ 106.200 General.

(a) To use the rules of a classification society other than the American Bureau of Shipping in meeting the requirements of this section, the owner or operator must request approval from the Commandant. The relevant rules must be submitted with the request.

(b) Substitutes for fittings, materials, apparatus, equipment, arrangements, calculations and tests required in this Subpart may be accepted by the Commandant if the substitute provides an equivalent level of safety.

(c) Where the use of any particular equipment, apparatus, arrangement, or test is impracticable, the Commandant may permit the use of alternate methods that maintain a degree of safety consistent with the minimum standards set forth in this Subpart.

(d) Each item of lifesaving and firefighting equipment maintained in addition to those required by this Subpart must meet the requirements of this PART for that item of equipment. Use of nonapproved fire detection systems may be acceptable as excess equipment provided that they do not endanger the vessel or crew in any way.

§ 106.203 Structural standards.

(a) Except as provided for in § 106.200(b) of this chapter, each OTEC

facility, or plantship must meet the structural standards of the American Bureau of Shipping for the most appropriate vessel or structural configuration.

(b) Appliances for watertight and weathertight integrity must meet the requirements of § 108.114 of this chapter.

(c) If a plantship or floating facility is equipped with sliding watertight doors, each sliding watertight door must be approved under § 163.001 of this chapter.

§ 106.205 General fire protection.

OTEC facilities and plantships must meet the requirements of §§ 108.123 and 108.127 of this chapter.

§ 106.207 Structural fire protection.

OTEC facilities and plantships must meet §§ 108.131 through 106.147 of this chapter.

§ 106.209 Marine and electrical engineering requirements.

(a) Except as noted in paragraphs (b) and (c) of this section, all installations must comply with the marine and electrical engineering requirements of Subchapters F and J of this chapter.

(b) where unusual design or equipment needs make compliance impractical, alternative proposals that provide an equivalent level of safety may be accepted, as provided by §§ 50.20–30, 106.200(c), and 110.20–1 of this chapter.

(c) Detailed design and operating requirements for marine and electrical engineering aspects of OTEC industrial systems have not been fully developed. The general system or design concepts must comply with Subchapters F and J of this chapter where practicable;

(d) If a unique aspect of an installation is not covered by these regulations and is regarded as potentially hazardous to the vessel or personnel or to the marine environment, the proposed design and operating standards will be compared to applicable national or industry standards, adapted for marine applications as necessary. Where no national or industry standards exist, the installation will be reviewed for a level of safety consistent with that required by the marine and electrical engineering regulations.

(e) Conceptual diagrams or schematics including general requirements for materials and a written description of system operation must be submitted to the Commandant for evaluation and determination of applicable standards and requirements. Upon completion of conceptual review, detailed plan review will be conducted by a designated merchant marine technical field office using the requirements and standards established by the Commandant.

(f) The Commandant may accept certification of compliance with accepted standards, by a registered professional engineer, for certain industrial systems and their components in lieu of plan review and inspection by the Coast Guard.

§ 106.211 Means of escape.

OTEC facilities and plantships must meet §§ 108.151 thru 108.167 of this chapter.

§ 106.213 Ventilation.

OTEC facilities and plantships must meet § 108.181 of this chapter.

§ 106.215 Accommodation spaces.

(a) OTEC facilities and plantships must meet § 108.193 and §§ 108.197 through 108.215 of this chapter.

(b) No section of the accommodation spaces deck shall be below the level of the deepest loadline, except that the Commandant may approve exceptions to this in special cases as long as the deckhead of accommodation spaces does not extend below the deepest loadline.

(c) The elevation of the accommodation spaces deck of a fixed facility shall provide adequate clearance above the crest of the design wave.

(d) Each OTEC facility with accommodations for 12 or more persons shall have a hospital space as provided for in §§108.209 or 108.210 of this chapter.

§ 106.217 Rails.

(a) Except as permitted in paragraph (b) of this section, OTEC facilities and plantships must meet §§ 108.217 through 108.223 of this chapter.

(b) Fixed facilities need not comply with the requirements of § 108.221 (b) and (c) of this chapter.

§ 106.219 Helicopter facilities.

OTEC facilities and plantships must meet §§ 108.231 through 108.241 of this chapter.

Subpart D—Hazardous Materials

§ 106.300 Purpose.

This subpart defines those materials considered hazardous to personnel employed aboard an OTEC facility or plantship and prescribes a level of safety in their use onboard as working materials and during their transfer between vessels engaged in OTEC operations.

§ 106.303 Designation of materials.

(a) Hazardous material means any liquid material or substance which is:

(1) Flammable or combustible;

(2) Designated a hazardous substance under Title I, § 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980; or

(3) Designated a hazardous material under section 104 of the Hazardous Material Transportation Act (49 U.S.C. 1803).

(b) Materials which are incompatible due to reactivity shall be provided segregation in compliance with Part 150 of this chapter, or 49 CFR 176.

§ 106.305 Safety.

(a) The total complement of personnel must be protected in the event of accidental leakage, spillage, or combustion of hazardous materials through the use of facility or plantship arrangement, design and construction, and portable protective devices. A hazardous materials protection plan must be developed by the owner/operator and approved by the Commandant.

(b) The owner/operator shall provide guidance to the personnel engaged in the repair or maintenance of OTEC systems. A procedures guide for isolating, clearing, ventilating, sealing, testing and reactivating those sections of OTEC systems where anticipated maintenance or repairs require dismantling and inspection of components and piping that handle a hazardous material, is to be developed by the designers/operators and approved by the Commandant.

(c) Plans, procedures, and specifications for safety and protection measures are approved on an individual facility basis by the Commandant.

Subpart E—Stability

§ 106.400 Application.

(a) Plantships and floating facilities must meet Part 108, Subpart C—Stability, of this chapter, as modified by paragraph (b) of this section.

(b) "Normal operating condition" means a condition of the plantship or facility when loaded and arranged for producing energy or when in ocean transit.

§ 106.403 Tension tendon tethered facility stability.

Each OTEC facility of the tension tendon tethered configuration must be designed so that it continually maintains a tension on each tendon when subjected to the forces described in § 108.311 of this chapter.

§ 106.405 Stability test.

A stability test is not required for a floating facility or plantship if it is shown to the satisfication of the Commandant that, because of its configuration, testing of the facility is not practicable and the facility has inherent adequate stability by design.

Subpart F—Fire Extinguishing Systems

§ 106.501 Application.

OTEC facilities and plantships must meet Part 108, Subpart D—Fire Extinguishing Systems, of this chapter.

Subpart G—Lifesaving Equipment

§ 106.601 Application.

OTEC facilities and plantships must meet Part 108, Subpart E—Lifesaving Equipment, of this chapter.

Subpart H—Cranes and Power Operated Industrial Trucks

§ 106.701 Application.

OTEC facilities and plantships must meet Part 108, Subpart F—Cranes and Power Operated Industrial Trucks, of this chapter.

Subpart I—Equipment Markings and Instructions

§ 106.801 Application.

OTEC facilities and plantships must meet Part 108, Subpart G—Equipment Markings and Instructions, of this chapter.

Subpart J—Miscellaneous Equipment

§ 106.901 Application.

OTEC facilities and plantships must meet Part 108, Subpart H—Miscellaneous Equipment, of this chapter.

Subpart K—Operations

§ 106.1001 Application.

OTEC facilities and plantships must meet Part 109—Operations, of this chapter, except for §§ 109.103, 109.121 and 109.583(c).

Subpart L—Manning

§ 106.1101 Requirements.

(a) OTEC facilities and plantships must be manned or crewed by United States citizens or aliens lawfully admitted to the United States for permanent residence, unless—

(1) There is not a sufficient number of United States citizens, or aliens lawfully admitted to the United States for permanent residence, qualified and available for such work, or

(2) The President makes a specific finding with respect to the particular OTEC facility or plantship that application of this requirement would not be consistent with the national interest.

(b) Manning requirements for floating facilities and plantships are contained in Subchapter P—Manning of Vessels, of this chapter. The application of these regulations is in the same manner and to the same extent as they are applied to conventional vessels.

PART 110—GENERAL PROVISIONS

4. A new paragraph (h) is added to § 110.01–10 to read as follows:

§ 110.01–10 Authority for regulations.

* * * * *

(h) *OTEC facilities and plantships.* The citation regarding authority to prescribe requirements for OTEC facilities and plantships is in Part 106 of this chapter.

5. A new paragraph (b) is added to § 110.05–1 to read as follows:

§ 110.05–1 Vessels subject to the requirements of this subchapter.

* * * * *

(b) The provisions in this Subchapter apply to OTEC facilities and plantships licensed under the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 *et seq.).*

(Pub. L. 96–320, 94 Stat. 974, (42 U.S.C. 9118, 9119(c), 9153(a)(b)); 49 CFR 1.46(ee))

Dated: February 15, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 83-9142 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 82-309; RM-4094]

47 CFR Part 73

FM Broadcast Station in Deer Lodge, Montana; Changes in Tables of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein deletes FM Channel 244A at Deer Lodge, Montana, in response to a petition for reconsideration filed by Deer Lodge Broadcasting, Inc. Petitioner advises that it is no longer supportive of the assignment.

EFFECTIVE DATE: March 29, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Memorandum Opinion and Order

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Deer Lodge, Montana) BC Docket No. 82–309, RM–4094.

Adopted: March 15, 1983

Released: March 29, 1983.

By the Chief, Policy and Rules Division.

1. A petition for reconsideration of the Commission's *Report and Order*, 47 FR 41381, published September 20, 1982, assigning FM Channel 244A to Deer Lodge, Montana, as that community's first FM assignment, was filed on October 8, 1982 by Deer Lodge Broadcasting, Inc. ("petitioner").[1] No responses to the petition for reconsideration were received.

2. Although petitioner initiated the rule making request to assign Channel 244A to Deer Lodge, Montana, it now seeks reconsideration of that action due to recent supervening occurrences that transpired after adoption of the *Report and Order* in this proceeding.

3. Specifically, petitioner advises that at the time its petition was filed, Deer Lodge was deviod of any local FM broadcast facility and thus it desired to implement a first local service to the community. Subsequent to the assignment, petitioner discovered that an existing FM facility in nearby Anaconda, Montana (Channel 249A), had been placed on the market. As a result, petitioner now wishes to acquire the existing Anaconda station and provide service to Deer Lodge from that facility. Moreover, petitioner states that such acquisition would enable the citizens of Anaconda to continue uninterrupted programming from its only local FM facility, while simultaneously preserving the availability of Channel 244A for assignment elsewhere. Hence, petitioner is no longer supportive of the Deer Lodge assignment. Since no other party has expressed an interest in the assignment, it will be deleted consistent with prior Commission precedent. See, *Wadena, Minnesota*, 47 Fed. Reg. 18011, published April 27, 1982.

4. In view of the above, it is ordered, that the petition for reconsideration filed by Deer Lodge Broadcasting, Inc. is granted.

[1] Public Notice of the petition was given on October 29, 1982, Report No. 1383.

5. It is further ordered, that pursuant to sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204 and 0.283 of the Commission's Rules, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to Deer Lodge, Montana, by removing the 244A FM Channel assignment as follows:

City	Channel No.
Deer Lodge, Montana	

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

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-9046 Filed 4-8-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1–180]

Organization and Delegation of Powers and Duties; National Capital Transportation Assistance Act of 1969

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: This amendment delegates to the Urban Mass Transportation Administrator the authority vested in the Secretary by the National Capital Transportation Assistance Act of 1969, as amended, to make grants to the Washington Metropolitan Area Transit Authority.

DATE: The effective date of this amendment is January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C–50, Department of Transportation, Washington, DC 20590 (202) 426–4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

List of Subjects in 49 CFR Part 1

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

PART 1—[AMENDED]

In consideration of the foregoing, paragraph (d) of § 1.51 of Part 1 of Title 49, Code of Federal Regulations, is revised to read as follows:

§ 1.51 Delegations to Urban Mass Transportation Administrator.

The Urban Mass Transportation Administrator is delegated authority to exercise the functions vested in the Secretary by:

* * * * *

(d) Sections 3 and 9 through 15 of the National Capital Transportation Assistance Act of 1969, as amended (D.C. Code, § 1–2441 et seq).

* * * * *

Authority: 49 USC 322.

Issued in Washington, DC, on April 4, 1983.

Elizabeth Hanford Dole,

Secretary of Transportation.

[FR Doc. 83-9201 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-62-M

49 CFR Part 23

[OST Docket No. 64c; Notice No. 83–10]

Participation by Minority Business Enterprises in Department of Transportation Programs

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of Policy.

SUMMARY: This notice of policy describes how the Department intends to carry out the requirements of section 105(f) of the Surface Transportation Assistance Act of 1982 before the effective date of a final rule to implement this statute. Section 105(f) requires that not less than ten percent of funds authorized to be appropriated by the Act be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. The Department published a notice of proposed rulemaking (NPRM) to implement section 105(f) of the Surface Transportation Assistance Act on February 28, 1983. The comment period for this NPRM closed on April 5, 1983. The Department intends to issue a final rule as soon as possible.

DATES: This notice of policy is effective April 11, 1983, and will remain in effect until the effective date of a final rule implementing section 105(f).

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th St., SW., Room 10424, Washington, D.C., 20590, (202) 426–4723.

SUPPLEMENTARY INFORMATION: The Surface Transportation Assistance Act of 1982 was enacted on January 6, 1983. Section 105(f) of the Act provides that

> Except to the extent that the Secretary determines otherwise, not less than ten percent of the amounts authorized to be appropriated under this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals, as defined by section 8(d) of the Small Business Act (15 U.S.C. section 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

Federal highway program and urban mass transportation program funds to which this section applies began to be apportioned or allocated to recipients as soon as the Act was enacted.

On February 28, the Department published a notice of proposed rulemaking (NPRM) to implement this statute (48 FR 8416). The NPRM proposed that recipients of funds from the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) set overall minority business enterprise (MBE) goals of at least ten percent of contract funds unless the FHWA or UMTA Administrators waive this requirement and approve lower goals. Any waiver must be initiated by the recipient and must document efforts by the recipient to achieve the required MBE participation. The proposed waiver provision is explicitly intended to grant relief to recipients which, despite making appropriate efforts, can not fairly be expected to obtain ten percent MBE participation in a given year.

The comment period on the NPRM ended on April 5. After reviewing the comments, the Department intends to publish a final rule as soon as possible. The Department is aware that recipients and contractors are concerned about what they should do pending the issuance of a final rule. This policy statement is intended to respond to that concern.

Recipients' Goals and Efforts in the Interim Period

Section 105(f) took effect on January 6, 1983, and applies to funds which

recipients are now obligating for contracts. The preamble to the NPRM mentioned that FHWA and UMTA would provide administrative guidance in the near future concerning the handling of goals and waivers for fiscal year (FY) 1983, since the law took effect after the fiscal year had begun.

To provide such administrative guidance and to assure compliance with the statutory mandate, FHWA issued interim instructions to its field offices and recipients in February 1983. The instructions contain three major points. First, recipients should continue to implement the existing MBE rule (49 CFR Part 23) with a new overall goal reflecting the ten percent MBE participation requirement of the statue. Second, since the FY 1983 highway program is well underway, the instructions provide MBE overall goals for the fiscal year. Each state's overall goal has been adjusted by applying the goals previously submitted by the state to the first quarter of FY 1983 and a ten percent goal for the last three quarters of FY 1983. These adjusted goals are the states' overall goals under the existing MBE regulation. Third, the instructions advise states that, during the interim period, they can request a deviation from the adjusted goals under the procedures of 49 CFR 23.41(f).

UMTA is implementing section 105(f) during the interim period by reviewing all MBE program plans submitted under the existing MBE regulation (1) to ensure that they reflect (a) overall MBE participation goals that meet or exceed the ten percent level, or (b) information that would support a waiver of the type referred to in the proposed rule. Like FHWA recipients, UMTA recipients may request a deviation under 49 CFR 23.41(f) during the interim period if they believe they cannot meet such goals.

The adjusted overall goals established by FHWA and the overall goals consistent with section 105(f) required by UMTA will remain in effect for the remainder of FY 1983 unless superseded by provisions contained in the Department's final section 105(f) rule or unless the recipient obtains a deviation under § 23.41(f) of the existing MBE rule (during the interim period) or a waiver under the provisions of the final section 105(f) rule.

It is not the intention of FHWA and UMTA to require recipients to set a *contract-by-contract* goal of ten percent (or a percentage equivalent to the recipient's adjusted overall goal) of the dollar value of each contract during this interim period, but, recipients should recognize that FY 1983 is already half over and that recipients' contracts should, taken together, have contract goals which will make FY 1983 overall goals achievable. The relationship between overall and contract goals is intended to be the same under section 105(f) as it is under the present rule. Contract goals, collectively, should permit the recipient to meet the overall goal, but any particular contract goal may, as circumstances dictate, be above or below the overall goal.

We also point out that contractors' obligations in this interim period have not changed. As under the existing rule, the apparent successful competitor for a contract must meet the contract goal set by the recipient or demonstrate to the recipient that it made good faith efforts to do so. While contract goals may be higher as a result of the state's efforts to meet section 105(f)'s requirement, a contractor may not be denied a contract for failing to meet a goal, so long as the contractor documents good faith efforts to meet it.

The interim steps FHWA and UMTA have taken to implement the statute are intended to make recipients aware that it is likely that many recipients will have to significantly increase their MBE participation from levels originally projected for FY 1983. It is clearly important for recipients to begin increasing their efforts to obtain MBE participation.

In addition to establishing contract goals that will make FY 1983 overall goals achievable, recipients should begin efforts to improve MBE participation, such as outreach programs, training and technical assistance, and removal or lowering of barriers to MBE participation.

Women-Owned Business Enterprise (WBE) Program

The Department's program for women-owned business enterprises is not affected by section 105(f), and will continue to be implemented.

Under 49 CFR Part 23, overall and contract goals for WBEs are separate from the goals for firms owned and controlled by minorities. Some concern has been expressed that, because the definition of "socially and economically disadvantaged individual" under section 105(f) does not presumptively include non-minority women, firms owned and controlled by such women will be excluded from participation in FHWA and UMTA programs. This is not the case. As a matter of fact, some WBEs (i.e., those whose owners, on an individual, case-by-case, basis, are able to show that they are socially and economically disadvantaged) may qualify for participation under the section 105(f) program, as well as the existing WBE program under 49 CFR Part 23.

Deviations or Waivers

Recipients which believe that they may have difficulty in meeting a ten percent goal or the adjusted overall goal given them by FHWA have expressed concern about the way the Department's waiver process would work. In the event that the Department publishes a final rule substantially similar to its NPRM, the waiver process of the final rule would be available to recipients for FY 1983 as well as for future fiscal years. Until a final rule is in effect, however, the Department will expedite action on requests for relief from FY 1983 overall goals made through the deviation procedure of 49 CFR 23.41(f).

Because more than half of FY 1983 will have elapsed before a final section 105(f) rule is effective, the Department will expedite action on appropriately documented submissions from any recipient asserting that an overall goal of less than ten percent or less than the adjusted overall goal for FY 1983 is appropriate for the recipient. In preparing the content of these submissions, recipients should be guided by the waiver criteria outlined in § 23.65(b) of the proposed rule. These submissions should be made to the UMTA or FHWA Administrator, as applicable. Because of the statewide nature of State highway programs, it is important that the Governor of each State concur in any request for FHWA deviation or waiver.

In evaluating such requests, the Department will be conscious that FY 1983 is a transitional year and that a new statutory requirement substantially increasing MBE participation requirements was enacted part way into the year. At the same time, the Department is strongly committed to ensuring the fullest possible compliance with section 105(f). Recipients, particularly those whose MBE participation is not already at or above ten percent, should be working now to improve their MBE participation. The efforts made by recipients between the enactment of section 105(f) and the effective date of the Department's final rule will be one of the factors considered by the Department in evaluating submissions requesting deviations or waivers for the remainder of FY 1983.

The Department will assume that overall goals are achievable if a recipient does not request a waiver or deviation. When a waiver or deviation is granted, it should be accompanied by an agreement to meet the maximum

feasible goal short of ten percent or the adjusted overall goal. This new goal should be high enough to permit the recipient to use it as an effective transition device to compliance with the statutory requirement for FY 1984 and subsequent fiscal years. Beginning with FY 1984, the Department does not intend to consider the need for transition to a ten percent goal to be a significant factor in reviewing waiver requests.

Issued this 4th day of April 1983, at Washington, D.C..

Elizabeth Hanford Dole,

Secretary of Transportation.

[FR Doc. 83-9258 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-62-M

Proposed Rules

Federal Register
Vol. 48, No. 70
Monday, April 11, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-47-AD]

Airworthiness Directives; Piper Model PA-38-112 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD), applicable to certain Piper Model PA-38-112 airplanes that would require the installation of two additional stall strips to the wing leading edge. The manufacturer has incorporated these stall strips on some production airplanes and made them available for field installation. This has resulted in variations in the stall characteristics between the differently configured Piper Model PA-38-112 airplanes in service and increases the possibility that inexperienced pilots may lose control of the airplane. Incorporating the additional stall strips on airplanes not so equipped, together with corresponding changes in the airspeed indicator and Pilot's Operating Handbook, will establish fleet uniformity in stall characteristics.

DATE: Comments must be received on or before June 13, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Piper Service Letter No. 876 dated April 12, 1979, applicable to this AD may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745, or at the address below.

Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 83-CE-47-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: N. Glenn, Flight Test Section, ANE-176, New York Aircraft Certification Office, Room 202, 181 South Franklin Avenue, Valley Stream, New York 11581; Telephone (516) 791-7144.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-CE-47-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

The Piper Model PA-38-112 airplane was certificated with two outboard stall strips. Subsequently, the manufacturer determined that the installation of two additional stall strips to the inboard wing leading edge improved the airplane's response to the flight controls during stall maneuvers and added these strips to production airplanes. The airspeed indicator markings and Pilot's Operating Handbook were also changed to reflect aircraft performance changes caused by installation of these additional strips. Concurrently, Piper made instructions and parts available in Kit Part No. 763-930 for retrofit of the strips to early production airplanes and recommended incorporation of these kits and corresponding changes in these airplanes in Service Letter No. 878 dated April 12, 1979.

Accordingly, there now are two configurations of Piper Model PA-38-112 airplanes in service having different stall characteristics. Inexperienced pilots trained in airplanes with four stall strips may not be prepared to handle the differences in stall characteristics of airplanes with two stall strips. The FAA believes this variation in stall characteristics may result in a hazardous situation for such pilots which could result in loss of airplane control. Since the condition described is likely to exist or develop in other Piper Model PA-38-112 airplanes of the same design, the AD would require installation of Kit Part No. 763-930 and corresponding changes to the airspeed indicator markings and Pilot's Operating Handbook in accordance with Piper Service Letter No. 876 dated April 12, 1979.

There are approximately 1,405 airplanes affected by the proposed AD. The cost of modifying the airplanes as required by this proposed action is estimated to be $359 per airplane for a total cost of $505,000 to the private sector.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

Piper: Applies to Model PA-39-112 airplanes (S/N 38-78A0001 through 38-79A0582) certificated in any category.

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

To standardize and improve the stall characteristics, accomplish the following:

(a) Install Piper Flow Strip Installation Kit, Part No. 763-930.

(b) Replace the airspeed indicator with Piper Part No. 61906-02 or 61905-02, or alter the original airspeed indicator markings to read as follows:

(1) Red radial 138 knots.
(2) Yellow arc from 110 to 138 knots.
(3) Green arc from 52 to 110 knots.
(4) White arc from 49 to 89 knots.

If the instrument is remarked, it must be accomplished by a certificated and appropriately rated instrument repair station.

(c) Insert Piper Part No. 761-658, Revision 3, dated December 18, 1978, containing performance information applicable to airplanes with Kit P/N 763-960 installed in the Pilot's Operating Handbook.

(d) Airplanes may be flown in accordance with FAR 91.197 to a location where this AD may be accomplished.

(e) An equivalent method of compliance with this AD may be used if approved by the Manager, New York Aircraft Certification Office, FAA, Room 202, 181 South Franklin Avenue, Valley Stream, New York 11581.

Piper Service letter No. 876 dated April 12, 1979, covers the subject matter of this AD.

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

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

Issued in Kansas City, Missouri, on March 28, 1983.

John E Shaw,

Acting Director, Central Region.

[FR Doc. 83-9185 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 83-CE-35-AD]

Airworthiness Directives; Pilatus Aircraft Ltd. PC-6 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD), applicable to Pilatus Aircraft Ltd. PC-6 series airplanes (up to serial number 815) which would require replacement of the aileron/flap amount attachment fittings. Pilatus Aircraft Ltd. has received reports of cracks being found in the angle brackets forming the attachment of the aileron/flap mountings on two airplanes. Replacement of the aileron/flap mount attachment fittings will prevent failure of the brackets with a resultant loss of an aileron.

DATE: Comments must be received on or before July 18, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Pilatus Aircraft Ltd. Service Bulletin No. 138, dated December 1982, applicable to this AD may be obtained from Pilatus Aircraft Ltd., CH6370-STANS, Switzerland, or the Rules Docket at the address below.

Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 83-CE-35-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Larry Werth, Foreign FAR 23 Section, Federal Aviation Administration, ACE 109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-CE-35-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

The manufacturer has received two reports of fatigue cracks being found in the angle brackets which attach the aileron/flap mountings on Pilatus Aircraft Ltd. PC-6 series airplanes. In one instance, the bracket failed, resulting in loss of an aileron. As a result, Pilatus Aircraft Ltd. has issued Service Bulletin No. 138 which requires replacement of aileron/flap mount attachment fittings. The Federal Office for Civil Aviation (F.O.A.) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Switzerland has approved this Service Bulletin and the actions recommended therein by the manufacturer as an Airworthiness Directive on the affected airplanes. On airplanes operated under Swiss registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the F.O.A. combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Service Bulletin No 138 and the approval of this Service Bulletin as an Airworthiness Directive by the F.O.A.

Based on the foregoing, the FAA believes that the condition addressed by Service Bulletin No. 138 is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require replacement of the aileron/flap mount attachment fitting on Pilatus Aircraft Ltd. PC-6 series airplanes (up to serial number 815).

There are approximately seven airplanes affected by the proposed AD. The cost of complying with the proposed AD is estimated to be $12,250 to the private sector.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

Pilatus Aircraft Ltd. Applies to PC-6 series airplanes (up to serial no. 815) (all variants) certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent loss of an aileron accomplish the following:

(a) Within the next 100 hours time-in-service after the effective date of this AD for airplanes having more than 2,000 hours time-in-service, or, within the next 200 hours time-in-service, after the effective date of this AD, for airplanes having more than 1,000 hours but less than 2,000 hours time-in-service, or;

within the next 300 hours time-in-service after the effective date of this AD, for airplanes having 1,000 or less hours time-in-service, replace the aileron/flap mount attachment fittings in accordance with Pilatus Service Bulletin No. 138 dated December 1982.

(b) Compliance time of this AD can be adjusted up 10 percent to allow accomplishing these modifications concurrent with other scheduled maintenance of the airplane.

(c) Airplanes may be flown under FAR 21.197 to a place where repairs can be made to this AD.

(d) Equivalent means of compliance may be used, if approved, by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

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

Note.—For reasons discussed earlier in the preamble: the FAA has determined that this document: (1) Involves a proposed regulation that is not major under the provisions of Executive Order 12291, (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) certifies under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location identified under the caption "ADDRESSES."

Issued in Kansas City, Missouri, on March 31, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9208 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-ACE-05]

Transition Area—Waukon, Iowa; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Waukon, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Waukon, Iowa, Municipal Airport, utilizing the Waukon, Iowa, VORTAC as a navigational aid. This proposed action will change the airport status from VFR to IFR.

DATE: Comments must be received on or before May 13, 1983.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Wukon, Iowa. To enhance airport usage, a new instrument approach procedure is being developed for the Waukon, Iowa, Municipal Airport, utilizing the Waukon, Iowa, VORTAC as a navigational aid. This navigational aid will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Waukon, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while translating between the terminal and enroute environment.

The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by designating the following transition area:

Waukon, Iowa

The airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waukon Municipal Airport (latitude 43°16'50"N, longitude 91°28'11"W), and within 3 miles each side of the Waukon VORTAC 275° radial extending from the 5-mile radius area to 8.5 miles west of the Waukon Municipal Airport excluding that portion that overlaps the Decorah, Iowa, transition area.

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

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

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 24, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9187 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-ACE-04]

Transition Area—Mountain Grove, Missouri; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Mountain Grove, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Mountain Grove Memorial Airport, Mountain Grove, Missouri, utilizing the Dogwood, Missouri, VORTAC as a navigational aid. This proposed action will change the airport status from VFR to IFR.

DATE: Comments must be received on or before May 13, 1983.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Misouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operation, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Mountain Grove, Missouri. To enhance airport usage, a new instrument approach procedure is being developed for the Mountain Grove, Missouri, Memorial Airport, utilizing the Dogwood, Missouri, VORTAC as a navigational aid. This navigational aid will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Mountain Grove, Missouri, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment.

The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by designating the following transition area:

Mountain Grove, Missouri

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mountain Grove Memorial Airport (latitude 37°07'13" N, longitude 92°18'44" W) and within 3 miles each side of the Dogwood, Missouri VORTAC 071° radial, extending from the 5-mile radius area to 6.5 miles southwest of the airport.

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

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

Issued in Kansas City, Missouri, on March 24, 1983.

John E. Shaw,

Acting Director, Central Region

[FR Doc. 83-9186 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 83-ACE-03]

Transition Area, Iowa City, Iowa; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at Iowa City, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Iowa City Municipal Airport, Iowa City, Iowa, utilizing a Non-Directional Radio Beacon (NDB) being installed on the airport as a navigational aid.

DATE: Comments must be received on or before May 13, 1983.

ADDRESSES: Send comments on the proposal to: Federal Aviation

Administration, Manager, Operations Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Iowa City, Iowa. To enhance airport usage, an additional instrument approach procedure to the Iowa City Municipal Airport is being established utilizing the Iowa City NDB as a navigational aid. The establishment of this new instrument approach procedure based on this navigational aid entails alteration of the transition area at Iowa City, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by altering the following transition area:

Iowa City, Iowa

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Iowa City Municipal Airport (latitude 41°38'22" N, longitude 91°32'46" W), and within 2 miles each side of the Iowa City VOR 024° radial, extending from the 6-mile radius area to the VOR; within 3 miles each side of the 276° bearing from the NDB facility (latitude 41°37'58" N, longitude 91°32'31" W), extending from the 6-mile radius area to 8.5 miles west of the NDB; within 2.5 miles each side of the 103° bearing from the NDB extending from the 6-mile radius area to 6 miles east of the NDB.

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

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

Issued in Kansas City, Missouri, on March 24, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9190 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 75

[Airspace Docket No. 83-AWA-5]

Proposed Alteration to VOR Federal Airways and Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke segments of VOR Federal Airways V-510 and V-90 and Jet Route No. J-85 to accommodate traffic flows within the terminal and en route environment.

DATE: Comments must be received on or before May 23, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-5, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Boyd Archer, Airspace Regulations and Obstructions Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped

postcard on which the following statement is made: "Comments to Airspace Docket No. 83-AWA-5." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering amendments to §§ 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to revoke VOR Federal Airways V-90 between Litchfield, MI, and Windsor, ON, Canada, and V-510 between Lansing, MI, and Salem, MI; and Jet Route No. J-85 between Salem, MI, and Dryer, OH. Changes in traffic flows within the terminal and en route environment and limited utilization justify cancellation of these airway and jet route segments. Sections 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation regulations were republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects 14 CFR Parts 71 and 75

Airways and Jet Routes.

The Proposed Amendments

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as follows:

1. V-90 [Revised]

From Windsor, ON, Canada, via INT Windsor 083° and Dunkirk, NY, 266° radials; Dunkirk. The airspace within Canada is excluded.

2. V-510 [Amended]

After the words "Lansing, MI" delete the words "; INT Lansing 091° and Salem, MI, 308° radials; Salem"

3. J-85 [Amended]

After the word "DRYER" delete the words "; to Salem, MI"

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

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

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

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-8784 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 457

Standards and Certification; Availability of Final Staff Report

AGENCY: Federal Trade Commission.

ACTION: Availability of final staff report.

SUMMARY: Federal Trade Commission's Bureau of Consumer Protection has released to the public a Final Staff Report that summarizes and analyzes the evidence in its rulemaking proceeding on Standards and Certification along with separate statements by Bureau Director Timothy J. Muris and Associate Director Michael C. McCarey. The report includes the staff's recommendations concerning Commission enforcement action. The Report of the Presiding Officer will be published within 60 days of this notice. When the Presiding Officer's Report is published, the public wil be invited to comment on both the Staff and the Presiding Officer's Reports. The Commission has not reviewed or adopted the Staff Report. The Commission's final determination in this matter will be based on the entire rulemaking record, including the Staff and Presiding Officer's Reports and the public comment on them.

DATE: The Presiding Officer's Report will be published within 60 days of this notice. At that time the public will be invited to comment on both the Staff and Presiding Officer's Reports. Comment on the Staff Report prior to publication of the Presiding Officer's Report would be premature.

ADDRESSES: Copies of the Staff Report are available at the Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580. Telephone: 202-523-3598.

FOR FURTHER INFORMATION CONTACT: Robert J. Schroeder, Program Advisor, Standards and Certification, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580. Telephone: 202-523-3510.

SUPPLEMENTARY INFORMATION: The Final Staff Report in the Standards and Certification rulemaking proceeding has been placed on the rulemaking record, Dkt. No. 215-61. Statements of Consumer Protection Bureau Director Timothy J. Muris and Associate Director Michael C. McCarey expressing reservations about the Staff Report's recommendations have also been placed on the record. The rulemaking record and a computer digest of and index to the record are available for use by the public at the Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580. Copying of these materials is permitted upon payment of the appropriate fees.

The Presiding Officer's Report will be published and placed on the rulemaking record within 60 days of this notice. The notice announcing publication of the Presiding Officer's Report will invite the public to submit comments on the Staff and Presiding Officer's Reports. That notice will also list specific issues on which comment is particularly requested. Comment on the Staff Report prior to publication of the Presiding

Officer's Report would be premature.

Generally, new evidence cannot be submitted during this postrecord comment period in Commission rulemaking proceedings. However, in this proceeding the Commission has decided to request new evidence on the impact of Office of Management and Budget Circular A-119, Federal Participation in the Development and Use of Voluntary Standards, on the practices reflected in the record (see 46 FR 10747; February 4, 1981).

Further, staff has determined that additional evidence would be beneficial on the current need for its recommended final rule on standards developers' complaint handling procedures, in light of events occurring since the rulemaking record closed in January 1980. Specifically, the staff has submitted a motion to the Presiding Officer to reopen the record to receive evidence on standards developers' current handling of complaints about allegedly unreasonable restraints of trade. The staff believes that, since the close of the rulemaking record in January 1980, events such as the Supreme Court's decision in *American Society of Mechanical Engineers* v. *Hydrolevel*, 102 S.Ct. 1935 (1982), may have led to improved complaint handling by standards developers. In its motion, the staff has also requested that post-record comment be accepted for a period of 90 days, plus 30 days for rebuttal comments relating to new evidence submitted during the post-record comment period. The notice announcing publication of the Presiding Officer's Report will specify the types of new evidence that will be accepted during the post-record comment period.

The Commission has not made any findings or conclusions in this matter. Such findings or conclusions can be made only after the Commission carefully considers the rulemaking record, and will be based solely on the record. Publication of the Staff Report should not be interpreted as representing the views of the Commission, any individual Commissioner, or the Director of the Bureau of Consumer Protection.

List of Subjects in 16 CFR Part 457

Trade practices, Product standards.

Issued: April 4, 1983.

Timothy J. Muris,

Director, Bureau of Consumer Protection.

[FR Doc. 83-9213 Filed 4-8-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance Benefits; Basic Computation of Benefits and Lump Sums; Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability; Deductions; Reductions; and Nonpayments of Benefits; Repeal of Minimum Benefit Provision and Rounding of Benefits

Correction

In FR Doc. 83-5162 beginning on page 10694 in the issue of Monday, March 14, 1983, make the following correction:

(1) On page 10695, third column, third line of § 404.212(c), "our primary insurance" should have read "your primary insurance".

(2) On page 10696, middle column, third line from the top of the page, the section now numbered § 404.216 should have been numbered § 404.261.

(3) On the same page, Appendix III, the caption at the beginning of the table now reading "Extended Table of Benefits Effective January 1983" should have read "Extended Table of Benefits Effective January 1982". (The same caption appears at the top of page 10697 and should be corrected there also.)

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 62b

[DOD Directive 1010.xx]

Drunk and Drugged Driving by DOD Personnel

AGENCY: Office of the Secretary, DOD.

ACTION: Proposed rule.

SUMMARY: This rule is issued to reduce the number of deaths and injuries within the Department of Defense due to intoxicated driving. The proposed rule provides specific guidance to all Heads of DoD Components and DoD commanders on the importance of the Intoxicated Driving Prevention Program and information requirements. It addresses only administrative actions to be taken in the case of intoxicated drivers. Legal actions to be taken are covered in other DoD issuances.

DATES: Written comments must be received by May 11, 1983.

ADDRESS: Office of the Deputy Assistant Secretary of Defense for Drug and Alcohol Abuse Prevention (ODAAP), The Pentagon, Room 3D200, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Captain Roger L. McFillen, USN, telephone 202-695-7116/7.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Department of Defense has determined that this proposed rule is not a major rule, because it is not likely to result in an annual effect on the economy of $100 million or more.

Paperwork Reduction Act

This rule imposes no obligatory information requirements beyond internal DoD use.

Regulatory Flexibility Act of 1980.

The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) certifies that this rule, if promulgated, shall be exempt from the requirements under 5 U.S.C. 601-612. In addition, this rule does not have a significant economic impact on small entities as defined in the Act.

List of Subjects in 32 CFR Part 62b

Intoxicated driving prevention program, Military and civilian personnel.

Accordingly, it is proposed that 32 CFR be amended by adding a new Part 62b, reading as follows:

PART 62b—DRUNK AND DRUGGED DRIVING BY DOD PERSONNEL

Sec.

Authority: Title 10, United States Code.

§ 62b.1 Purpose.

This Part:

(a) Establishes DoD policy regarding drunk and drugged driving by DoD personnel (hereafter referred to as "intoxicated driving").

(b) Assigns responsibility for and explains DoD policy and procedures on the establishment and operation of the DoD Intoxicated Driving Prevention Program designed to address the problem of and increase the awareness

and attention given to intoxicated driving by DoD personnel.

(c) Establishes the DoD Intoxicated Driving Prevention Task Force.

§ 62b.2 Applicability.

This Part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components"). The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

§ 62b.3 Policy.

(a) Intoxicated driving is incompatible with the maintenance of high standards of performance, military discipline, DoD personnel reliabiity, and readiness of military units and supporting activities. It is DoD policy to reduce significantly the incidence of intoxicated driving within the Department of Defense through a coordinated program of education, identification, law enforcement, and treatment. Specifically, the goal of the DoD Intoxicated Driving Prevention Program is to reduce the number of fatalities and injuries suffered by DoD personnel and the amount of property damage that result from intoxicated driving.

(b) The Department of Defense shall participate in the national effort to prevent intoxicated driving by maintaining appropriate relationships with other governmental agencies and private organizations and shall cooperate with responsible civil authorities in detecting, identifying, apprehending, prosecuting, educating, and counseling intoxicated drivers and in reporting cases as required by state laws and applicable Status of Forces agreements.

§ 62b.4 Procedures.

(a)*Education and Training*

(1) The Military Services shall provide a minimum of 8 hours of drug and alcohol education that focuses on intoxicated driving for each of the following: law enforcement personnel, club managers, and public information, emergency room, and safety personnel. Bartenders and waitresses serving alcoholic beverages and Class VI or package sales personnel shall receive a minimum of 2 hours drug and alcohol education with 1 hour of refresher training annually. In addition, leadership curricula at all levels (POC/PXO indoctrination, precertification training for judge advocates and military judges, and officer and noncommissioned officer schools) shall include specific information and review current Military Service policy on intoxicated driving.

(2) other DoD Components shall provide similiar instruction in conjunction with the training and education requirements of Part 62a of this title.

(3) DoD Components shall cooperate, to the extent feasible, with community leaders and existing grassroots groups such as Mothers Against Drunk Drivers (MADD), Remove Intoxicated Drivers (RID), and Students Against Drunk Drivers (SADD) in planning and implementing local education efforts.

(b) *Suspension of Driving Privileges.* The Military Services shall establish procedures for mandatory suspension of driving privileges on military installations and in areas subject to military traffic supervision.

(1) Military personnel and their dependents, civilian personnel, and others with installation vehicle registration privileges may have their driving privileges suspended, regardless of the geographical location of an intoxicated driving incident. Suspension is authorized for other civilians only with respect to incidents occuring on the military installation or in areas subject to military traffic supervision.

(2) Procedures for preliminary suspension of driving privileges shall be established as follows:

(i) Preliminary suspension is authorized in the following cases, based upon an arrest report or other official documentation of the circumstances of the incident:

(A) Lawful apprehension of an individual for intoxicated driving.

(B) Refusal of an individual to submit to a lawful test of blood alcohol content (BAC) following citation or lawful apprehension.

(C) An individual's operating a motor vehicle on a military installation or in an area subject to military traffic supervision in violation of suspension imposed under this Part.

(ii) The individual shall be notified in writing of the suspension, of the fact that a 1 year suspension can be made in accordance with paragraph (b)(3) of this section, and of the right to request a hearing within 5 working days of the notice of suspension.

(iii) If a hearing is requested, it shall be held within 10 working days of the request. The hearing, which shall be conducted by the installation commander or a person to whom the installation commander delegates this authority, shall consider the following:

(A) If based upon lawful apprehension, the hearing shall be limited to the legality of the apprehension.

(B) If based upon refusal to submit to a BAC test, the hearing shall be limited to the following issues:

(*1*) Did the official have reasonable grounds to believe that the person had been operating a motor vehicle while intoxicated?

(*2*) Was the person cited or apprehended for an intoxicated driving offense; and

(*3*) Did the person refuse to submit to a BAC test required by the law of the jurisdiction.

(C) If based upon driving while privileges have been suspended under this Part, the hearing shall be limited to the issue of whether the individual operated a motor vehicle in violation of such a suspension.

(3) Suspension for a period of 1 year is authorized in the following circumstances:

(i) When there has been a preliminary suspension under paragraph (b)(2) of this section, and:

(A) A hearing is not requested within 5 working days of the notice; or

(B) When such a hearing has been requested and the suspension is not vacated at the hearing.

(ii) When there has been a conviction, nonjudicial punishment, or similar civilian administrative determination (such as revocation of driving privileges) for intoxicated driving. Such action shall be taken only on the basis of an official report.

(4) For each subsequent determination within a 5 year period that suspension is authorized under (b)(3) of this section, driving privileges shall be suspended for 2 years. In such circumstances, the individual shall be prohibited from obtaining or using a U.S. Government Motor Vehicle Operator's Identification card (SF 46) for a minimum of 6 months for each such incident. This does not preclude an installation commander from imposing a prohibition upon obtaining or using such a card for a first offense or for such other reasons as may be appropriate.

(5) Exceptions to the mandatory suspension policies in this paragraph may be granted by installation commanders on a case-by-case basis. Such exceptions may be granted only on the basis of mission requirements or unusual personal hardship and shall be reported by letter to the next official in the chain of command.

(6) A suspension shall be vacated upon acquittal or dismissal with prejudice against the government of all offenses forming the basis for the suspension. If such a suspension is

based solely upon a civilian apprehension and it is determined that civilian authorities do not intend to proceed to a trial or an official administrative determination, the suspension shall be vacated.

(7) Overseas commanders with authority to issue drivers licenses shall establish procedures for suspension of such licenses for intoxicated driving. Such procedures, insofar as the commanders deem practicable, shall be similar to the procedures for suspension of installation driving privileges prescribed in paragraphs (b) (1) through (7) of this section.

(8) DoD personnel whose installation driving privileges are suspended under paragraph (b)(3) of this section shall complete an alcohol safety action program or equivalent alcohol education course (minimum of 8 hours) before their installation driving privileges may be reinstated.

(c) *Screening.* DoD Components shall establish procedures for screening military personnel charged with intoxicated driving offenses within 7 working days to determine whether a member is dependent on alcohol or other drugs. The results of this screening shall be made available to the command having jurisdiction over the case before adjudication. Information concerning personal alcohol and drug abuse provided by a member in response to these screening questions may not be used against the member in a court-martial or on the issue of characterization in an administrative separation proceeding. Nothing in this provision precludes introduction of evidence for impeachment or rebuttal purposes in any proceeding in which evidence of alcohol or drug abuse (or lack thereof) has been first introduced by the member, nor does it preclude disciplinary or other action based on independently derived evidence. Civilian personnel charged with intoxicated driving shall be referred to the Civilian Employee Assistance Program for evaluation in accordance with Federal Personnel Manual Supplement 792–2, Subchapter S5–1.

(d) *Notification of State Driver's License Agencies.* DoD Components shall establish a systematic procedure in accordance with Part 286a of this title to notify state driver's license agencies of DoD personnel whose installation driving privileges are permanently suspended under paragraph (b) of this section. This notification shall be sent to the state in which the driver's license was issued and the state in which the installation is located. Sample letter format is provided in Appendix 1 and state driver's license agencies are listed in Appendix 2. DoD Components shall establish a system to exchange intoxicated driving and driving privilege suspension data when DoD personnel transfer from one location to another. This information requirement is exempt from formal approval and licensing.

(e) The Military Services shall include the intoxicated driving prevention program as an inspection item of special interest for IG inspections.

(f) The Military Services shall direct installation commanders to assess the availability of drugs and alcohol in the vicinity of military installations through their Armed Forces Disciplinary Control Boards or Control Boards of other appropriate federal agencies. Whenever the availability of alcohol, drugs, or both, at an establishment off-base or on-post presents a threat to the discipline, health, and welfare of DoD personnel, such establishments shall be dealt with as prescribed in the Armed Forces Disciplinary Control Board and Off-Installation Military Enforcement Guidance (Army Regulation No. 190–24, Marine Corps Order No. 162.2A, Bupers Inst 1620.4A, Air Force Regulation No. 125.11, Commandant Instruction No. 1620.13).

(g) *Cases Involving Death or Serious Injury.*

(1) To the extent consistent with the Uniform Code of Military Justice and the Manual for Courts-Martial and in accordance with trial counsel's judgment of appropriate tactical and ethical concerns, consideration shall be given to presenting a victim's impact statement (oral or written statement by victims or survivors) before to sentencing in cases in which death or serious injury results from intoxicated driving.

(2) Trial counsel shall make reasonable efforts to ensure that the victim or the victim's family is informed about the progress of the case and its disposition.

(h) DoD Components that operate installations shall establish an incentive awards and recognition program to reward and give recognition to successful local installation intoxicated driving prevention programs.

(i) DoD Components are encouraged to use, as guidance, Report on a National Study of preliminary breath test (PBT) and Illegal Per Se Laws and Interim Report to the Nation by Presidential Commission on Drunk Driving.

§ 62b.5 Responsibilities.

(a) The Assistant Secretary of Defense (Health Affairs) (ASD(HA)) shall:

(1) Develop a coordinated approach to the reduction of intoxicated driving, consistent with this Part recognizing that intoxicated driving prevention programs shall be designed to meet local needs.

(2) Appoint the Chairman of the DoD Intoxication Driving Prevention Task Force (IDPTF).

(3) Monitor Military Service regulations that implement the DoD Intoxicated Driving Prevention Program.

(4) Act as focal point for the Department of Defense for interagency and nongovernmental coordination of national intoxicated driving prevention programs.

(5) Evaluate and report biennially to the Secretary of Defense on the effectiveness and efficiency of the DoD Intoxicated Driving Prevention Program.

(b) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* (ASD(MRA&L)) shall:

(1) Ensure the DoD Dependents Schools system includes specific material in the curriculum (grades 7 through 12) on the effects that alcohol and drugs have on the impairment of driving skills.

(2) Ensure that intoxicated driving accident mishap and injury data include:

(i) BAC of drivers in three categories—.00–04, .05–.09, .0 and above.

(ii) Time of day and day of the week the mishap or injury occurred.

(iii) Type of vehicle (include MOPEDs with motorcycle data).

(iv) Death and injury data on DoD personnel killed or injured as a result of intoxicated driving, who were not intoxicated themselves but were involved in a mishap as a result of intoxicated driving by another party.

(v) Government property damage cost.

(vi) Cost of treatment of injured DoD personnel.

(vii) Other chemical substances causing intoxicated driving that contributed to an accident.

(3) Provide an annual report to the Secretary of Defense that assesses the impact of intoxicated driving on the Department of Defense. The report shall include intoxicated driving arrest, apprehension, and conviction data as well as the number of exceptions granted to the mandatory suspension of driving privileges under paragraph (b)(5) of this section.

(4) Establish procedures (when feasible) under which DoD personnel convicted for driving while intoxicated will pay administrative restitution to the government for property damage, medical expenses, and lost wages to the extent permitted by applicable law.

(5) Amend appropriate DoD issuance to include the use of a preliminary or prearrest breathtest (PBT) to be used by law enforcement personnel to indicate

impairment when the arresting officer has reason to believe the operator of a motor vehicle may be intoxicated. (See Report on a National Study of Preliminary Breath Test (PBT) and Illegal Per Se Laws.)

(6) Amend appropriate DoD issuances to require administrative separation processing of a service member who has been involved in 3 separate intoxicated driving incidents within 5 years, in which suspension of driving privileges was warranted under paragraph (b) of this section. Similar procedures shall be established for civilian personnel subject to statutory and regulatory limitations applicable to civilian personnel actions.

(c) *Heads of DoD Components* shall establish and operate intoxicated driving prevention programs prescribed by this Part.

§ 62b.6 Intoxicated Driving Prevention Task Force (IDPTF).

(a) Organization and Management

(1) The IDPTF shall be chaired by the representative from ASD(HA) Office of Drug and Alcohol Abuse Prevention.

(2) The IDPTF shall consist representatives of the Military Services' Drug and Alcohol programs and law enforcement communities and a representative of the Deputy Assistant Secretary of Defense (Equal Opportunity and Safety Policy), Office of the ASD(MRA&L).

(3) Meetings generally shall be held bimonthly; however, special sessions may be required by the chair.

(b) *Functions* The IDPTF shall:

(1) Monitor Military Service policy as it applies to the prevention of intoxicated driving.

(2) Review programs and policy developed by other federal and state agencies and make recommendations of suitable adaptation within the Department of Defense.

(3) Make recommendations to ASD(HA) and ASD(MRA&L) on matters pertaining to intoxicated driving.

§ 62b.7 Definitions.

(a) *Blood Alcohol Content (BAC).* The percentage, by weight, of alcohol in a person's blood as determined by blood, urine, or breath analysis. Percent of weight by volume of alcohol in the blood is based on grams of alcohol per 100 milliliters of blood.

(b) *Conviction.* An official determination or finding as authorized by state or federal law or regulation, including a final conviction by a court or court-martial, an unvacated forfeiture of bail or other collateral deposited to secure a defendant's appearance in court, a plea of nolo contendere accepted by a court, a payment of a fine, or a plea of guilty or a finding of guilty regardless of whether the penalty is rebated, deferred, suspended, or probated.

(c) *DoD Issuances.* DoD Directives, Instruction, publications, and changes thereto.

(d) *DoD Personnel*

(1) *Civilian Personnel.* Employees of the Department of Defense whose salary or wages are paid from appropriated or nonappropriated funds.

(2) *Military Personnel.* All U.S. military personnel on active duty, U.S. military reserve or National Guard personnel on active duty or in a drill status, Military Service academy cadets, and retired personnel.

(e) *Driving Privileges.* Operation of a privately owned motor vehicle on a installation or in areas where traffic operations are under military supervision.

(f) *Intoxicated Driving.* Includes one or more of the following:

(1) Operating a motor vehicle under any intoxication caused by alcohol or drugs or both that is sufficient (sensibly) to impair the rational and full exercise of the mental or physical faculties. (See paragraphs 190 and 191 of the Manual for Courts-Martial.)

(2) Operating a motor vehicle with a BAC of .10 percent or higher. This is often referred to as driving while intoxicated or driving while impaired (DWI) under state law.

(3) Operating a motor vehicle in violation of a law concerning drunk or drugged driving in the jurisdiction in which the vehicle is operated.

Appendix 1—Driver's License Information

FROM: _____

_____

_____

TO: Department of Vehicle Registration and Licenses

_____

_____

_____

SUBJECT: Notification of Person Convicted of Intoxicated Driving

1. This letter is your notification that on ——(date), ———(last name, first name, middle initial) and (social security number of person), a member of ———(branch of Military Service or DoD Component) (and unit), ———(installation location), was found guilty of driving while intoxicated (in a court-martial, non-judicial proceeding under Article 15, or civil court. If civil court, give court name and case number). (He or she) holds a ——(State) driver's license, number ———, issued ———, expiring on ———. He or she was arrested ———(date and base location) by ———(State) (or military) police while driving vehicle license number ———.

Should you wish to suspend or limit this individual's driving privileges, (his or her) current address is:

_____

_____

_____

Signer

Appendix 2—State Driver License Information Address Listing Alphabetically by State

Alabama

Data Processing Unit, Driver's Licensing Division, Department of Public Safety, Mongomery, Alabama 36192, (205) 832–5100

Alaska

MVR Desk, Motor Vehicles, Pouch N, Juneau, Alaska 99811 (907) 465–4361

Arizona

1801 W. Jefferson, Box 2100, Phoenix, Arizona 85001 (602) 261–7642

Arkansas

Driver's Control, P.O. Box 1272, Little Rock, Arkansas 72203 (501) 371–1631

California

Information Services, Department of Motor Vehicles, P.O. Box 11231, Sacramento, California 95813

Colorado

Motor Vehicle Division, Master File Section 44–489, 140 W. 6th Avenue Denver, Colorado 80204 (303) 866–3751

Connecticut

Assistant Division Chief, 60 State Street, Wethersfield, Connecticut 06109 (203) 566–3230

Delaware

Senior Clerk, Revocation Section, P.O Box 698, Dover, Delaware 19901 (302) 736–4427

Florida

Department of Highway Safety, Tallahassee, Florida 32301 (904) 488–2117

Georgia

Drivers Support Division, Department of Public Safety, P.O. Box 1456, Atlanta, Georgia 30371–2303 (404) 656–5704

Hawaii

Administrator, District Court, 1111 Alakea Street Honolulu, Hawaii 96813 (808) 548–2467

Idaho

Idaho Transportation Department, Driver Services, P.O. Box 34, Boise, Idaho 83731 (208) 334–2534

Illinois

Abstract Informational Unit, Motor Vehicle Services, 2701 S. Dirksen Parkway, Springfield, Illinois 62703 (217) 782–2720

Indiana

Paid Mail, State Office Building, Room 416, Indianapolis, Indiana 46204 (317) 232–2894

Iowa

Chief Teletype Operator, Lucas State Office Building, Des Moines, Iowa 50319, (515) 281–5559

Kansas

Chief, Driver Control Bureau, State Office Building, Topeka, Kansas 66626, (913) 296–3671

Kentucky

Division of Driver Licensing, Justice Cabinet, Room 220, State Office Building, Frankfurt, Kentucky 40601 (502) 564–6800

Lousiana

Department of Public Safety, Office of Motor Vehicles, P.O. Box 64886, Baton Rouge, Louisiana 70896

Maine

Driver Record Section, Motor Vehicle Division, Statehouse Station #29, Augusta, Maine 04333 (207) 289–2733

Maryland

Director, Driver Records, 6601 Ritchie Highway, NE Glen Burnie, Maryland 21062 (301) 768–7225

Massachusetts

Registry Motor Vehicles, 100 Nashua Street, Boston, Massachusetts 02114

Michigan

Commercial Lookup Unit, Michigan Department of State, Bureau of Driver & Vehicle Services, Lansing, Michigan 48918

Minnesota

Driver License Division, 108 Transportation Building, St. Paul, Minnesota 55155 (612) 296–2023

Mississippi

Mississippi Highway Patrol, MVR Section, P.O. Box 958, Jackson, Mississippi 39205 (601) 982–1212, Ext 268

Missouri

Division of Motor Vehicles & Driver Licensing, P.O. Box 629, Jefferson City, Missouri 65105 (No telephone inquiries)

Montana

Office Manager, Driver Services, 303 North Roberts, Helena, Montana 59620 (406) 449–3000

Nebraska

Administrator, P.O. Box 94789, Lincoln, Nebraska 68509 (402) 471–3888

Nevada

Driver Record Section, 555 Wright Way Carson City, Nevada 89701 (702) 885–5505

New Hampshire

Department of Safety, Division of Motor Vehicles, Hazen Dive, Concord, New Hampshire 03105 (603) 271–2486

New Jersey

Supervisor, Abstract Section, NJDMV, 137 E. State Street, Trenton, New Jersey 08625 (609) 292–4558

New Mexico

Chief, Motor Transportation Department, Manuel Lujan Building, Santa Fe, New Mexico 87503 (505) 827–2362

New York

New York State Dept. of Motor Vehicles, Public Service Bureau, Empire State Plaza, Albany, New York 12228 (518) 474–0705

North Carolina

Director, Diver License Section, Division of Motor vehicles, 1100 New Bern Avenue, Raleigh, North Carolina 27697 (919) 733–9906

North Dakota

Driving Records, Drivers License Division, 600 E. Boulevard, Bismarck, North Dakota 58505 (701) 224–2603

Ohio

Bureau of Motor Vehicles, ATTN: MVOSPA, P.O. Box 16520, Columbus, Ohio 43216

Oklahoma

Oklahoma Department of Public Safety, Driver Improvement Division, Box 11415, Oklahoma City, Oklahoma 73136 (405) 427–6541

Oregon

Supervisor, Files and Correspondence, 1905 Lana Avenue, NE, Salem, Oregon 97314 (503) 371–2225

Pennsylvania

Division Manager, Citation Processing Division, Room 302, Bureau of Traffic Safety Operations, Department of Transportation, Harrisburg, Pennsylvania 17120

Rhode Island

State Office Building, Motor Vehicles, Providence, Rode Island 02903 (401) 227–2994

South Carolina

Motor Vehicle Administrator, P.O. Box 1498, Columbia, South Carolina 29216 (803) 758–8428

South Dakota

Driver Improvement Program, 118 W. Capitol, Pierre, South Dakota 57501–2080 (605) 773–4128

Tennessee

Financial Responsibility Section, P.O. Box 945, Nashville, Tennessee 37202 (615) 741–3954

Texas

Box 4087, Austin, Texas 78773 (512) 465–2000

Utah

4501 S. 2700 W, Salt Lake City, Utah 84119 (801) 969–4425

Vermont

Director of Law Administration, Department of Motor Vehicles, 120 State Street, Montpelier, Vermont 05603 (Mail inquiries only)

Virginia

Division of Motor Vehicles, Attn: Driver's Licensing and Information Department, 2300 W. Broad Street, Richmond, Virginia 23269 (804) 257–0410

Washington

Department of Licensing, Driver Services Division, Highway Licensing Building, Olympia, Washington 98504 (206) 753–6976

West Virginia

Department of Motor Vehicles, 1800 Washington Street, East, Charleston, West Virginia 25317 (304) 348–0238

Wisconsin

Driver Record File, Department of Transportation, P.O. Box 7918, Madison, Wisconsin 53707–7918 (608) 266–2360

Wyoming

Criminal Identification Division, Boyd Building, Cheyenne, Wyoming 82002

NDR

National Driver Register, Room 5117, NHTSA, 400 7th Street, SW, Washington, DC 20509

District of Columbia

District of Columbia Department of Transportation, Bureau of Motor Vehicles Services, 301 C Street, NW, Washington, DC 20001

Guam

Mr. Patrick Wolfe, Deputy Director, Revenue and Taxation, Government of Guam, Agana, Guam 96910

Puerto Rico

Mr. Jose A. Zayas-Berdecia, Director, Bureau of Motor Vehicles, P.O. Box 41243, Santurce, Puerto Rico 00940

Dated: April 6, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-9387 Filed 4-8-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CCGD8-83-01]

Anchorage Regulations, Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering amending the anchorage regulations on the Lower Mississippi River by establishing a permanent anchorage in the vicinity of Oneida, Louisiana to be called the Belmont Anchorage. This action is necessary to provide needed additional anchorage space for deep draft vessels and to accommodate the increased commercial activity in the Convent, Louisiana area.

DATES: Comments must be received on or before June 13, 1983.

ADDRESS: Comments should be mailed to Commander, Eighth Coast Guard District (mps), Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130.

FOR FURTHER INFORMATION CONTACT: Lt. M. W. Brown, c/o Commander, Eighth Coast Guard District (mps), Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130, Telephone: (504) 589-6901.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice [CGCD8-83-01], the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

A public hearing will be held on Thursday, May 12 1983 at 7 p.m. in the St. James Parish Council Chambers, located at the St. James Parish Courthouse, on Louisiana Route 44, Convent, Louisiana 70723. Attendance is open to the public and members of the public may present oral statements at the hearing. The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement describing the proposed regulation, and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Contact Officer listed above no later than one day before the hearing. Such notification should include the approximate time required to make the presentation. A transcript will be made of the hearing and may be purchased by the public. Any person may present a written statement at the hearing.

These rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

Drafting Information

The principal persons involved in drafting this notice are LT M. W. BROWN, Project Officer, c/o Commander, Eighth Coast Guard District (mps) and LT J. C. HELFRICH, Project Attorney, c/o Commander, Eighth Coast Guard District (dl), Hale Boggs Federal Bldg., 500 Camp Street, New Orleans, LA 70130.

Discussion of Proposed Rule

The New Orlean-Baton Rouge Steamship Pilots Association initially requested the Captain of the Port, New Orleans to recommend to the Commander, Eighth Coast Guard District that an anchorage be established near Oneida, Louisiana on 6 January 1982. After reviewing the request, the Captain of the Port determined that such an anchorage would be desirable and accordingly, recommended to the District Commander that a temporary anchorage be established on 15 March 1982. Based on that recommendation, the Commander, Eighth Coast Guard District established a temporary anchorage on 19 April 1982 for 90 days, and designated it the Belmont Anchorage. The anchorage was established on a temporary basis to evaluate the need and location of the site to insure that it was utilized and caused no navigation safety problems prior to taking any rulemaking action. The temporary anchorage was extended on 14 July 1982 for 90 days, on 14 October 1982 for 30 days and on 14 November 1982 for 7 months. After an extended trial period, the Commander, Eighth Coast Guard District has determined that a permanent anchorage is necessary.

In recent years, the Lower Mississippi River in general and the Convent area in particular has seen increased commercial development. As a result of this development, vessel traffic on the river has increased. On a narrow, twisting waterway affected by strong currents such as the Lower Mississippi River, it is imperative that anchorages be relatively close and downriver from the berths they serve in order to facilitate commerce. This is because it is extremely difficult to predict when a vessel will actually vacate a berth. If an incoming vessel arrives at a berth before it is clear, or without a downstream anchorage in close proximity, a hazardous situation exists as there is no place to safely "hold up" the vessel. Because of this, as a general rule, a vessel will not enter the river or leave an anchorage for a berth until the departing vessel has left. The longer the distance of the anchorage from the berth, the longer the "dead time" at the berth and hence the greater the lost productivity.

The Belmont Anchorage is designed to service the facilities in the Convent Area, a distance of two to five miles upriver. The closest down river anchorage is nine to twelve miles away but vessels must sometimes anchor as far away as forty five miles. The Belmont Anchorage cuts off one to five hours of transit time to the Convent facilities. Based on a $1,000 per hour vessel operating cost, potential savings are conservatively estimated at $365,000 per year.

Anchoring upriver is unacceptable because vessels would have to "round down" proceed past the facility and turn back up river. Rounding a vessel on a narrow waterway is an inherently hazardous maneuver and one that should be avoided if not necessary. Anchoring above a facility introduces and unnecessary element of risk.

The Belmont Anchorage is also needed to relieve overcrowding of the anchorages between New Orleans and Convent, Louisiana. The greater the occupancy of the anchorage, the closer together vessels must anchor. Because of the limited maneuverability of large merchant vessels, the risk of accident increases as vessels anchor closer to each other. There are currently seven anchorages between New Orleans and Convent not counting the Belmont Anchorage with a total capacity of 18 vessels. Of those 18 vessels however, only 13 can have a draft of greater than 30 feet as five of the spaces are too shallow. Overall occupancy of these anchorages for the first five months of 1982 was approximately 57%. Overall occupancy of deep draft vessels during that same time period was approximately 87%. These figures mean on any given day most of the anchorages were filled to capacity.

The Belmont Anchorage began to be used actively in May of 1982 and has been averaging two ships per day. This reduces the overall occupancy rate of all the anchorages between New Orleans and Convent to approximately 50%.

The anchorage is located along a relatively straight stretch of the river and will pose no hazard to navigation. No user conflicts are anticipated.

The site is in the vicinity of four historic properties in the area but will have no effect on any of them. The historic properties are: Oak Alley Plantation at mile 153.2, St. Joseph Plantation at mile 152.3, Felicity Plantation at mile 151.3, and Manresa House at mile 156. Manresa House is on the left descending bank and upriver from the anchorage and the other properties are all on the right descending bank and downriver from the anchorage. There was concern on the part of local interests that an anchorage would somehow alter the historic character of the area and that the noise and dust generated during midstream cargo transfer operations would damage both the historic sites as

well as the environment. The Coast Guard does not agree that the anchorage will alter the historic character of the area. The Mississipi River has been heavily used by vessels transiting the proposed anchorage region. This use of the Mississippi River by vessels is historical and precedes the construction of the concerned historic sites. The banks along the Mississippi River in the vicinity of the sites now contain barge fleeting areas. The anchorage is around the bend from Manresa House over one mile upriver from the St. Joseph, and Felicity Plantations, and will be largely screened from view at Oak Alley.

Noise and dust generated during midstream cargo transfer operations could have an adverse effect as claimed by the local interests. To avoid that possibility midstream transfer operation would be prohibited in the anchorage.

There was also concern on the part of local residents that soot from the stacks of vessel would cause a nuisance. The Coast Guard feels that the normal emissions from vessels are not suficient to cause a nuisance. Excessive emissions can cause a nuisance, but there are existing state laws with an existing state agency to enforce them to alleviate that problem. In any case, the prevailing winds will tend to carry any stack emissions away from heavily populated areas.

Economic Assessment and Certification

These proposed regulations are considered to be non-significant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulation (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since its impact is expected to be minimal. Any economic effects will be positive, however, as this anchorage will reduce vessel transit times and increase productivity. An Environmental Assessment has been prepared for this project and a Finding of No Significant Impact is anticipated.

In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations as follows:

PART 110—[AMENDED]

33 CFR 110.195 is amended by redesignating (a)(24) through (a)(27) as (a)(25) through (a)(28), by adding a new paragraph (a)(24), and by revising (c)(6) to read as follows:

§ 110.195 Mississippi River below Baton Rouge, LA, including south and southwest passes.

(a) * * *

(24) *Belmont Anchorage.* An area 1.7 miles in length along the left descending bank of the river from mile 153.3 to mile 155.0 above Head of Passes. From mile 153.3 to mile 154.5 the area has a width of 700 feet as measured 100 feet riverward from the edge of the Belmont Revetment. From mile 154.5 to mile 155.0 the area has a width of 1100 as measured from shore.

* * * * *

(c) * * *

(6) The intention to transfer any cargo while in an anchorage shall be reported to the Captain of the Port, giving particulars as to name of ships involved, quantity and type of cargo, and expected duration of the operation. The Captain of the Port shall be notified upon completion of operations. Cargo transfer operations are not permitted in the New Orleans General, Quarantine, or Belmont Anchorages. Bunkering and similar operations related to ship's stores are exempt from reporting requirements.

* * * * *

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 33 U.S.C. 1231; 49 CFR 1.46(c)(1); 33 CFR 1.05-1(g))

Dated: March 24, 1983.

W. H. Stewart,

Rear Admiral.

[FR Doc. 83-9391 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Submission of Mitigating Circumstances

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations concern two groups of people. The first of these are veterans who are receiving educational assistance under the noncontributory GI Bill. These regulations lengthen the time period these veterans have to report any mitigating circumstances that may be connected with withdrawals from courses or receipt of a grade which is not computed in the veteran's graduation requirements.

The second group are recipients of dependents educational assistance. These proposed regulations will set a limit on the amount of time these eligible persons have to submit mitigating circumstances.

Unless mitigating circumstances exist, the law prohibits the VA (Veterans Administration) from paying for a course from which a veteran or eligible person withdraws or for which he or she receives a grade which is not computed in determining graduation requirements.

DATE: Comments must be received on or before May 9, 1983. The VA proposes making these regulations effective the date of final approval.

ADDRESSES: Send written comments to. Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

All written comments received will be available for public inspection at this address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until May 19, 1983. Anyone visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any of these comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, Washington, DC 20420; (202-389-2092).

SUPPLEMENTARY INFORMATION: Section 21.4136, Title 38, Code of Federal Regulations is amended to allow a veteran 1 year from the date the VA notifies him or her that mitigating circumstances may be submitted, to submit those circumstances. Under the present regulation which allows veterans 1 year from the date of withdrawal or the date a nonpunitive grade was assigned, instances arose where a veteran had little or no time to submit mitigating circumstances after he or she learned of the need to do so. The proposed regulation eliminates this inequity.

Section 21.4137, Title 38, Code of Federal Regulations is amended to allow an eligible person 1 year from the date the VA notifies him or her that mitigating circumstances may be submitted, to submit those

circumstances. In order to insure the orderly administration of benefits the VA may require a measure of diligence from eligible persons.

The VA has determined that these proposed regulations do not contain a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. The proposal will not result in any major increases in costs or prices for anyone. 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 of Veterans' Affairs hereby certifies that these proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these proposed regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because these proposed changes regulate only individual benefit recipients. They will have no significant impact on small entities, i.e. small businesses, small private and nonprofit organizations and small government jurisdictions.

The Catalog of Federal Domestic Assistance numbers for the programs affected by these proposed regulations are 64.111 and 64.117.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—Education, Loan programs—education, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 22, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

It is proposed to amend 38 CFR Part 21 as follows:

1. In § 21.4136, paragraph (k)(1)(ii) is revised to read as follows. The text of the introductory paragraph of (k)(1) is set out for the convenience of the reader.

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. chapter 34.

* * * * *

(k) *mitigating circumstances.* (1) The Veterans Administration will not pay benefits to any veteran for a course from which the veteran withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation unless—

* * * * *

(ii) The veteran submits the circumstances in writing to the Veterans Administration within 1 year from the date the Veterans Administration notifies the veteran that he or she must submit the mitigating circumstances.

(38 U.S.C. 1780(a))

* * * * *

2. In § 21.4137, paragraph (h) is revised as follows:

§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. chapter 35.

* * * * *

(h) *Mitigating circumstances.* (1) The Veterans Administration will not pay benefits to any eligible person for a course from which the eligible person withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation unless—

(i) There are mitigating circumstances, and

(ii) The eligible person submits the circumstances in writing to the Veterans Administration within 1 year from the date the Veterans Administration notifies the eligible person that he or she must submit the mitigating circumstances.

(2) The following circumstances are representative of those which the Veterans Administration considers to be mitigating provided they prevent the eligible person from pursuing the program of education continuously. This list is not all inclusive.

(i) An illness of the eligible person,

(ii) An illness or death in the eligible person's family,

(iii) An unavoidable geographical transfer resulting from the eligible person's employment,

(iv) An unavoidable change in the eligible person's conditions of employment.

(v) Immediate family or financial obligations beyond the control of the eligible person which require him or her to suspend pursuit of the program of education to obtain employment,

(vi) Discontinuance of a course by a school.

(vii) Unanticipated active duty military service including active duty for training.

(3) If the eligible child fails to complete satisfactorily a course of special restorative training or if the eligible person fails to complete satisfactorily a course under section 1733, title 38, United States Code, without fault, the Veterans Administration will consider the circumstances which caused the failure to be mitigating. This will be the case even if the circumstances were not so severe as to preclude continuous pursuit of a program of education.

(38 U.S.C. 1780(a))

[FR Doc. 83-9243 Filed 4-8-83; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Additional Entry Application for Second-Class Publications

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would amend postal regulations to require publishers to give 30 days' notice before mailing any second-class publications at an additional entry post office. Currently, only requester publications are required to give such advance notice.

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

ADDRESS: Written comments should be sent to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, D.C. 20260–5200.

Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Office of Mail Classification, Room 8430, 475 L'Enfant Plaza, SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Young, (202) 245–4512.

SUPPLEMENTARY INFORMATION: Current postal regulations require a 30 day advance notice of mailing at an additional entry post office only for requester publications authorized under section 422.6, Domestic Mail Manual. See DMM 442.1. Under the proposed change, publishers would be required to give 30 days' notice before mailing any second-class publication at an additional entry post office.

The Postal Service considers the 30 days' notice necessary to adjust transportation schedules and to ensure that entry offices are capable of handling and distributing the number of copies of the publication deposited with them. It takes approximately 27 days to make and confirm these arrangements. Experience has shown that most publishers now voluntarily give at least 30 days' notice. Therefore, we do not consider it unreasonable to make this notice mandatory. Section 442 of the Domestic Mail Manual would be changed to conform with the new requirement if adopted.

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

List of Subjects in 39 CFR Part 111

Postal Service.

PART 442—ADDITIONAL ENTRY APPLICATIONS

Revise 442.1 to read as follows:

§ 442.1 Application Procedure.

If an additional entry point is desired, a Form 3510, Application for Additional Entry or Re-entry of Second Class Publication, must be filed by the publisher at the original entry post office. A separate application must be filed for each office of additional entry desired. A publisher may apply concurrently for entry at an additional office and original entry office. Two copies of the most recent issue of the publication must accompany the application. These must be marked to show the advertising content as described in 483. Publishers must file an application for additional entry 30 days before mailing at the proposed additional entry office. Postage for mailings presented during the 30-day period must be paid at the First-, third-, or fourth-class postage rates.

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

(39 U.S.C. 401(2), 403)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 83-9322 Filed 4-8-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Action MO 999; A-7-FRL-2294-8]

Approval and Promulgation of Implementation Plans; State of Missouri; 1982 Ozone and Carbon Monoxide Attainment Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The Clean Air Act requires that all states which received an extension beyond December 31, 1982, to attain either the ozone or carbon monoxide standards submit a revised plan by July 1, 1982, showing that the standards would be attained by December 31, 1987. The State of Missouri has submitted a plan for the St. Louis area. EPA is proposing to disapprove this plan. The plan contains numerous deficiencies including a failure to demonstrate attainment of the ozone standard and an inadequate inspection and maintenance program for motor vehicles. Disapproval of the plan would result in a moratorium on the construction and modification of major stationary sources of ozone and carbon monoxide in the nonattainment areas. Restrictions on funds for air quality planning and transportation projects could follow.

EPA is soliciting comments on its proposed action.

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

ADDRESSES: comments should be addressed to Mr. Wayne G. Leidwanger, Air Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the state's submission and EPA's technical evaluation are available during normal business hours at the preceding address as well as at the following locations: Missouri Department of Natural Resources, 1101 Rear Southwest Boulevard, Jefferson City, Missouri 65101; East-West Gateway Coordinating Council, 112 North Fourth Street, St. Louis, Missouri 63102.

FOR FURTHER INFORMATION CONTACT: Wayne Leidwanger at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added a new Part D to Title I of the Act. [Sections 171-178 of the Clean Air Act; Section 129(c) (uncodified) of Pub. L. 95-95.] Under this Part, the states had to revise their State Implementation Plans (SIPs) for all nonattainment areas and submit the revisions to EPA by January 1, 1979. The revised plan had to provide for attainment by December 31, 1982, unless the State demonstrated that it could not attain either the ozone or carbon monoxide (CO) standard by that date [Sections 172(a)(1), 172(a)(2)].

If EPA approved this demonstration, the attainment date for ozone or CO could be extended up to December 31, 1987, and the State could defer compliance with certain of the Part D planning requirements. States receiving such extensions were to submit a second SIP revision that provides for attainment by the approved attainment date and complies with all of the Part D requirements [Section 172(c)].

These second SIP revisions had to be submitted by July 1, 1982 [Section 129(c) (uncodified), Pub. L. 95-95]. On January 22, 1981 (46 FR 7182), EPA published final criteria for reviewing these revisions. These criteria supplement the "General Preamble" for SIP revisions for nonattainment areas, which was published on April 4, 1979 (44 FR 20372).[1]

The State of Missouri submitted an initial SIP revision for the St. Louis ozone and CO nonattainment areas in July 1979. The State requested that EPA extend the attainment date for the standards in this area until December 31, 1987. EPA approved this request and conditionally approved the initial plan revision on April 9, 1980 (45 FR 24140). [EPA gave final approval to this initial plan revision on June 10, 1982 (47 FR 25143) after the conditions had been fulfilled.]

Missouri submitted its 1982 revisions to its SIP on December 28, 1982. On February 3, 1983, EPA published a notice of proposed rulemaking on the draft Missouri submission of October 7, 1982. Today's notice addresses the final SIP submission of December 28 and supersedes the earlier notice on the draft SIP. However, persons commenting on the February 3 notice are not required to resubmit those comments in response to today's notice. EPA will consider those comments in preparing a final rulemaking. EPA's review of the State's submittal is divided into three main discussions: 1. the ozone SIP, 2. the carbon monoxide SIP, and 3. the additional requirements set out in EPA guidance, including conformity of federal actions, public participation and consultation with State and local officials and the effect assessment.

[1] EPA published four additional notices supplementing the general preamble in 1979: July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

A. The Ozone SIP

Ozone is formed from various precursors, primarily oxides of nitrogen and a class of hydrocarbons called "reactive volatile organic compounds" (VOCs). VOC emissions are controlled to reduce ozone concentrations.

The St. Louis nonattainment area includes the City of St. Louis and St. Charles, Franklin, Jefferson and St. Louis Counties in Missouri and Madison, Monroe and St. Clair Counties in Illionois. (Today's notice addresses only the Missouri plan; EPA will publish a separate notice on the Illinois SIP.) The ozone modeling analysis for the nonattainment area claims that a 26.4 percent emission reduction will be needed to eliminate violations of the ozone standard. The Missouri 1982 SIP combines a mix of stationary and mobile source strategies to achieve the reduction.

EPA's review of the ozone SIP is divided into seven sections: Emission Iventory, Air Quality Data, Modeling Analysis and the Emission Reduction Target, Stationary Source Controls, Inspection and Maintenance Program, Transportation Control Measures, Reasonable Further Progress and the Attainment Demonstration.

1. *Emission Inventory.* Section 172(b)(4) of the Clean Air Act requires the SIP to contain a comprehensive, accurate and current inventory of actual emissions. In the case of the ozone plan, an inventory of volatile organic compounds (VOC) is necessary for projecting attainment of the ozone standard of 0.12 ppm. Also required for the modeling analysis is an inventory of NO_x emissions. These emission inventories should be prepared for a 1980 base year and projected to a date that will, at a minimum, include the anticipated year of attainment (46 FR 7184, January 22, 1981).

The Missouri SIP provides a base year 1980 emission inventory and projects emissions through 1987, the anticipated year of attainment. Typical summer weekday emission rates are reported for stationary and area sources, the latter including mobile sources. The SIP shows 1980 VOC emissions to be 315,030 kg/day in the Missouri portion of the ozone nonattainment area and projects those emissions to be reduced to 248,870 kg/day without enactment of any additional control measures.

Stationary, area and mobile sources are quantified in the SIP. All stationary sources whose emissions were greater than 40 TPY in 1980 are specifically identified. The East-West Gateway Coordinating Council used EPA's MOBILE–2 emission factor program to determine mobile source emissions. East-West Gateway is the lead planning agency designated under Section 174 of the Clean Air Act. East-West Gateway and the Missouri Division of Employment Security provided the bases for projecting future emissions. Documentation of the methodology employed in developing the emission inventory is contained in the SIP.

EPA believes the emission inventory was prepared in accordance with the applicable guidelines.

Proposed Action

EPA proposes to approve the emission inventory as meeting the requirements of Section 172(b)(4).

2. *Air Quality Data.* For the 1982 SIP, EPA requires the most recent three years of air quality data to be used in the modeling analysis. Generally, this should include all data collected through the third quarter of 1981 (46 FR 7189, January 22, 1981).

The Missouri SIP provides a summary of the ozone monitoring data for a five-year period ending with the third quarter of 1981. Only the last three years (1979–1981) of data were used in the modeling analysis. The highest ozone value recorded during the last three years was 0.210 ppm on September 11, 1979; a number of exceedances of the standard of 0.12 ppm were recorded each year from 1979 to 1981. The "design day", i.e., the day on which the modeled control requirement is based, is attributed to September 22, 1979, when the ozone level was recorded as 0.165 ppm.

EPA believes that the SIP provides sufficient quality assured monitored ozone data on which to develop a control strategy.

Proposed Action

EPA proposes to approve the air quality data for use in the modeling analysis.

3. *Modeling Analysis and Emission Reduction Target.* In its policy on the 1982 SIPs, EPA specified the minimum acceptable models which the states could use in preparing their SIPs. EPA noted the inability of simple models, such as linear or proportional rollback, to adequately consider chemical kinetics and meterological parameters. Accordingly, EPA required the use of more sophisticated models. Photochemical dispersion models have the greatest potential for evaluating the effectiveness of ozone control strategies. However, EPA recognized that these models were very data intensive. Therefore, EPA recommended the use of city-specific EKMA (Empirical Kinetic Modeling Approach) for the 1982 ozone plans (46 FR 7190, January 22, 1981). EKMA is less data intensive but still considers meteorological influences and atmospheric chemistry. By encouraging each state to use city-specific EKMA, consistency among the states having to demonstrate attainment by 1987 could be achieved.

The State of Missouri chose to use city-specific EKMA for its 1982 ozone SIP. The state's modeling shows the control requirement to be 42.2 percent. As described below, the state takes credit for certain emission reductions which allows the control requirement to be reduced to 26.4 percent. However, a review of the state's modeling revealed that the state deviated from EPA's guidelines without adequate justification. For a complete discussion of the issues, the reader should consult EPA's technical support document.

The Missouri SIP indicates that adequate NMOC and NO_x data were not gathered. These data are important elements of the modeling analysis. Without these data, the state had to make assumptions regarding the NMOC/NO_x ratio. The state selected a ratio from the mid-1970s from an EPA study (the Regional Air Pollution Study) and then adjusted it downward on the basis of VOC emission reductions which occurred between 1977 and 1980. The year 1977 was the base year inventory for the 1979 SIP. However, EPA notes that the state made a transposition error in taking credit for the mobile source emission reductions. Furthermore, EPA notes that the comparison of mobile source emissions was based on two different programs. MOBILE–1 was used for the 1977 emission inventory and MOBILE–2 for the 1980 inventory. EPA believes MOBILE–2 provides the best estimate and that a comparison of the two inventories based on different emission factor programs is inappropriate.

The state then further adjusted its modeled control requirement of 42.2 percent by taking credit for emission reductions between 1979 and 1980. The credit (15.8 percent) is based generally on a straight-line interpolation between the 1977 and 1980 emission inventories with certain adjustments to reflect plant closures in 1979. The state's emission reduction target then becomes 26.4 percent as applied to the 1980 emission inventory. EPA believes the credit which the state claims for stationary and area source emission reductions is acceptable. However, as noted previously, the state has not provided a valid demonstration of the mobile source emission reductions. The state's claim of a 38,316 kg/day reduction

between 1979 and 1980 is not supported. The state should use MOBILE–2 for both years and year-specific estimates of vehicle miles traveled (VMT) to make the comparison. (EPA notes that in Appendix H of the ozone plan, East-West Gateway apparently made such a comparison and reported the emission reductions to be 12,900 kg/day.)

Proposed Action

EPA proposes to disapprove the modeling and the emission reduction target. EPA specifically solicits comments on the state's modeling analysis and the emission reduction target.

3. *Stationary Source Control.* Section 172(b)(3) of the Clean Air Act requires states to adopt Reasonably Available Control Technology (RACT). Therefore, as part of the 1982 submittal, states must include RACT for: (1) all sources of VOCs covered by a Control Technique Guideline (CTG) and (2) all remaining major stationary sources of VOCs with the potential to emit more than 100 tons of VOC per year (250 kg/day). EPA requires that the submittal either include legally enforceable measures to implement RACT for these sources, or else document the State's determination that the existing level of control represents RACT for each of these sources (46 FR 7186, January 22, 1981).

The State of Missouri has satisfied the first requirement; that is, it has adopted RACT regulations for all VOC sources for which EPA has issued a CTG. (For a listing of previous EPA actions on Missouri's RACT rules, the reader should consult EPA's technical support document.)

The Missouri SIP identifies 18 major sources which are not covered by previous RACT regulations. Missouri has determined that control of emissions from nine of these sources is not reasonable considering available technology and the cost of control.

The SIP presents Rule 10 CSR 10–5.360, Control of Emissions from Polyethylene Bag Sealing Operations, which will apply to two sources. The rule requires sources to control no less than 65 percent of the uncontrolled VOC emissions. The rule allows sources to use exempted solvents in place of add-on controls. Certain solvents have been exempted from control by EPA because they do not contribute to the formation of ozone in the atmosphere. However, EPA discourages their use because they may contribute to stratospheric ozone depletion. State officials and sources are advised of the possibility of future regulatory action to control these compounds. Nevertheless, EPA believes Rule 10 CSR 10–5.360 does represent RACT.

Permit conditions have been used to limit the emissions of one source to less than 250 kg/day. EPA believes such an approach is acceptable but notes that the full permit was not submitted with the SIP. The permit is an operating permit issued under a permit program which is not part of the SIP. Therefore, the permit must be incorporated into the SIP to be enforceable by EPA. EPA believes this is a significant deficiency. However, EPA understands that the state intends to correct this deficiency prior to final rulemaking.

For six of the emission sources, the State has committed to schedules for adopting RACT by August 1983. There is also a commitment by the state to adopt additional RACT requirements within 12 months of EPA issuing a CTG. EPA believes these schedules represent firm commitments from the state to expeditiously meet the RACT requirement.

The state has also submitted Rule 10 CSR 10–6.100, Alternate Emission Limit, and associated amendments to its permitting rules. These were previously submitted to EPA as a SIP revision on November 17, 1982. EPA is taking no action in this notice on these rules but will propose action in a later **Federal Register** notice. These rules would allow sources to "bubble" required emission reductions but they are not a requirement of the 1982 SIP.

Proposed Action

EPA proposes to approve the SIP as meeting the requirements for RACT on major stationary sources with the understanding that the full operating permit for Gusdorf will be incorporated into the SIP prior to final rulemaking. EPA specifically proposes to approve Rule 10 CSR 10–5.360 and the schedules for adopting additional RACT requirements by August, 1983. No action is taken on Rule 10 CSR 10–6.100 and the amendments to Rules 10 CSR 10–6.020 and the 10 CSR 10–6.060.

4. *Inspection and Maintenance (I/M) Program.* All major urban areas that needed an extension beyond 1982 to attain a standard for ozone or CO were required to include a vehicle I/M program as a portion of the 1979 SIP revision [Section 172(b)(11) of the Clean Air Act]. I/M is a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excess emissions must then undergo mandatory maintenance.

EPA evaluated and conditionally approved the I/M portion of Missouri's 1979 SIP revision on April 9, 1980, at 45 FR 24140. The state later submitted a specific schedule for implementing I/M in St. Louis by December 31, 1981. That submission was approved by EPA on March 16, 1981, at 46 FR 16895 as fulfilling one of the conditions for EPA's approval of the 1979 SIP. The other condition required the state to submit to EPA a report on the recommended type of I/M program and other details. On August 27, 1981, (46 FR 43139) EPA noted that the state had submitted the report and had fulfilled the condition. However, EPA took no action on the specific recommendations in the report. EPA noted that the state would have to submit a SIP revision in 1982 addressing the requirements for an I/M program.

The 1982 SIP revision must include: (1) The rules and regulations for implementing an I/M program that will meet the minimum requirements for emission reduction, and (2) commitments to other needed program details. (However, I/M elements already submitted and approved as part of an earlier SIP submittal need not be submitted again.) The 1982 SIP policy published on January 22, 1981, discusses these requirements at 46 FR 7186.

The Missouri plan presents a revised schedule calling for implementation of a decentralized mandatory I/M program in St. Louis by December 31, 1983. EPA required that decentralized programs commence by December 31, 1981. the schedule in the plan does not comply with EPA's requirements.

The SIP is also deficient in that it does not contain inspection test procedures, licensing requirements for inspection stations, emission analyzer specifications and maintenance/calibration requirements, quality control and audit and surveillance procedures, and procedures to assure that noncomplying vehicles are not operated on the public roads. (A proposed rule to address some of these requirements is contained in Appendix L of the plan.) The SIP does not include any of the relevant rules and regulations of the State Highway Patrol and the Department of Revenue. These two agencies are also responsible for implementing the program.

The SIP does contain a public awareness plan for the I/M program. EPA believes this element meets the requirements of the 1982 SIP policy.

EPA has specified the I/M programs must achieve a 35 percent reduction in exhaust emissions from light-duty vehicles as calculated by MOBILE–2. Missouri claims that its program will achieve the necessary reductions. The calculations in the SIP are based on the

emission standards in Rule 10 CSR 10–5.380. However, there is no documentation that the projected ten percent vehicle failure rate will be achieved with the emission standards in this rule. EPA also notes that Rule 10 CSR 10–5.380 sets the date for mandatory I/M after January 1, 1984, which does not comply with EPA's policy as noted previously.

Proposed Action

EPA proposes to disapprove the 1982 ozone SIP and Rule 10 CSR 10–5.380 because the plan does not contain the necessary commitments and elements for an I/M program.

5. *Transportation Control Measures (TCMs).* The 1982 SIP must include: (1) an updated emission reduction target for the transportation sector, (2) all reasonably available TCMs, (3) commitments to implement TCMs, (4) measure to meet basic transportation needs, (5) public participation activities, (6) a TCM monitoring plan, (7) conformity procedures and (8) and contingency plan. The reader should consult the 1982 SIP policy at 46 FR 7187 on January 22, 1981, for a full discussion of these requirements.

The East-West Gateway Coordinating Council has adopted a transportation plan which EPA believes meets the above requirements and the state has incorporated the plan into the SIP. Appendix D of the ozone plan (Appendix E in the CO plan) describes the procedures used in evaluation of the candidate transportation control measures. Appendix M of the ozone plan (Appendix D in the CO plan) includes the commitments from state, county and local governments as well as regional agencies to the following categories of transportation measures selected for implementation:

1. Traffic flow improvements;
2. Programs to encourage ridesharing;
3. Programs to encourage vanpooling;
4. Programs to increases transit ridership;
5. Construction of park and ride lots.

A description of the process and procedures for identifying transportation contingency measure where emission shortfalls may occur is also included in the SIP. The St. Louis region proposes to meet its basic transportation needs (BTN) by maintaining, and where possible, improving ridesharing and public transportation projects to the extent that state and Federal funds will allow. Justification for not adopting difficult transportation control measures is given in Appendix C of the ozone plan (Appendix M in the CO plan).

Proposed Action

EPA proposes to approve the 1982 ozone SIP as meeting the requirement for transportation control measures.

6. *Reasonable Further Progress and the Attainment Demostration.* Section 172 (a)(2) and (b)(3) of the Clean Air Act require that the ozone standard be attained as expeditiously as practicable, but not later than December 31, 1987, and that in the interim, reasonable further progress (as defined in Section 171) be shown in achieving emission reductions. No extension beyond December 31, 1987, is available. Furthermore, as described in EPA's 1982 SIP policy, the annual emission reductions must at least equal the emission reductions that would be achieved through a linear attainment program (46 FR 7187, January 22, 1981).

The Missouri SIP projects a 28.6 percent reduction in emissions as a result of RACT on stationary sources, the I/M program, the TCMs and the Federal motor vehicle control program. The state further claims a 2.2 percent margin for growth by comparing the projected emission reductions against the emission reduction target (26.4 percent). However, EPA believes the modeling and the control requirement are incorrect and that the emission reductions should be substantially higher. Consequently, the state's plan fails to demonstrate that the ozone standard will be attained. It also fails to demonstrate that the annual emission reductions will at least equal the emission reductions that would be achieved through a linear attainment program based on a substantially higher emission reduction target. The SIP does not show reasonable further progress.

Proposed Action

EPA proposes to disapprove the 1982 SIP because it fails to demonstrate attainment of, and reasonable further progress towards attaining, the ozone standard.

B. Carbon Monoxide (CO)

CO violations are caused primarily by automobile emissions. They generally occur in the areas around major intersections, or in central business districts, where vehicles tend to idle for relatively long periods. EPA calls these problem areas "hot spots".

The state submittal contains a detailed modeling analysis which demonstrates attainment of the CO standard at local "hot spot" intersections. It also contains a demonstration of reasonable further progress (RFP) where the state modeling indicated violations. Today's notice discuses both of these sections as well as the requirements for stationary source controls, an I/M program and transportation control measures.

1. *Hotspot Analysis.* The APRAC–2 CO diffusion model using MOBILE–2 emission factors was used to project future CO concentrations. This is the EPA-approved model as specified in the 1982 SIP policy. The model predicted maximum 1-hour CO concentrations at 201 receptor sites in the region. With transportation control measures, an I/M program and the Federal motor vehicle control program, the maximum 1-hour CO concentration is predicted to be 8.8 ppm. Compared to the CO standard of 35 ppm, this shows the area will attain the 1-hour standard. The SIP also shows that the predicted 8-hour concentration for 1987 will be 6.2 ppm. This compares favorably to the standard of 9.0 ppm.

Proposed Action

EPA proposes to approve the hotspot analysis.

2. *Reasonable Further Progress (RFP).* The SIP demonstrates that the CO standard will be attained through the implementation of the federal motor vehicle control program, an I/M program, and the TCMs. The SIP shows that annual emission reductions will occur as a result of these programs. The modeling demonstrated that the standard will be attained. With an I/M program and the TCMs, progress in attaining the standard will occur even faster than what would be accomplished by the Federal motor vehicle control program.

Proposed Action

EPA proposes to approve the demonstration of reasonable further progress.

3. *Stationary Source Controls.* There is some uncertainty regarding the contribution of stationary sources to the nonattainment problem. Stationary sources cannot be factored into the APRAC model. EAP's policy is that all stationary sources which emit more than 1000 TPY (or 2500 kg/day) must comply with the requirement for RACT as specified by Section 172 of the Clean Air Act (46 FR 7186, January 22, 1981). This policy will insure that the stationary source contribution to the CO problem, although usually small in comparison to the mobile source sector, will be minimized.

The Missouri SIP indicates that there are three sources which emit greater than 2500 kg/day. EPA agrees that control of emissions from two sources is not considered practical.

The emissions from the third source are estimated at 56,270 kg/day in 1980 and are projected to decline to 17,393 kg/day in 1983. The SIP indicates that this sources will be installing a control system which will meet the requirement for RACT. However, there is no regulation to enforce the emission reductions. Consequently, the SIP is deficient in that it does not demonstrate that the requirements of Sections 172(b)(3) and (10) will be met. However, EPA understands that installation of the controls is related to the VOC RACT regulation which the state is committed to adopt and that the state will provide an adequate demonstration prior to final rulemaking that the emission reductions will be enforceable.

Proposed Action

EPA proposes to approve the CO plan as meeting the requirement for RACT on major stationary sources provided the state demonstrates prior to final rulemaking that the RACT controls will be enforceable.

4. *Inspection and Maintenance Program and Transportation Control Measures.* As explained previously, EPA granted an extension through 1978 for attainment of the CO standard in the St. Louis area. Therefore, Section 172(b)(11) requires that the CO plant contain the I/M and TCM measures previously discussed in the contest of the ozone plan.

Proposed Action

EPA proposes to disapprove the CO plan because it contains the same deficiencies described for the ozone plan regarding the I/M program.

C. Additional Requirements

1. *Conformity of Federal Actions.* Section 176(c) of the Clean Air Act requires that all Federal activities conform to the SIP. In addition, the SIP must identify to the extent possible, the direct and indirect emissions associated with major Federal actions. (See 46 FR 7188, January 22, 1981.)

The SIP indicates that the state has reviewed this matter. No major Federal actions have been identified which would have an appreciable effect on the population of the St. Louis area. The SIP further names the East-West Gateway Coordinating Council as the responsible agency for assuring regional consistency and conformity with the SIP.

Proposed Action

EPA proposes to approve the 1982 SIP as meeting the requirements for conformity of Federal action.

2. *Public Participation and Consultation with State and Local Officials.* The SIP provides evidence of an extensive public participation program which meets the requirements of Section 121 of the Clean Air Act. The East-West Gateway Coordinating Council is the designated lead planning agency under Section 174 of the Act. A memordum of understanding among the responsible agencies was developed for the purpose of defining the roles and responsibilities for the 1982 SIP. That document is provided in the SIP.

The state has provided documentation of the public hearings: the requirements of 40 CFR 51.4 have been met. The state provided adequate notice and held two public hearings on the 1982 SIP.

Proposed Action

EPA proposes to approve the 1982 SIP insofar as it meets the requirements for public participation and consultation.

3. *Effect Assessment.* The Missouri SIP provides a limited analysis of the air quality, health, welfare, economic, energy and social effects of the plan as required by Section 172(b)(9) of the Clean Air Act. EPA has not set forth specific requirements for such an effect assessment.

Proposed Action

EPA proposes to approve Missouri's effect assessment. EPA is specifically soliciting comments on the adequacy of the effect assessment in the 1982 SIP.

D. Summary

EPA is proposing to disapprove Missouri's ozone and CO SIP. EPA is soliciting comments on the state's submission and on the proposed actions described in this notice. The Administrator's decision to approve or disapprove this submission will be based upon the comments received and on whether the SIP revisions meet the requirements of the Clean Air Act, 40 CFR Part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans) and the 1982 SIP policy (46 FR 7184, January 22, 1981).

If the major deficiencies discussed above are not remedied before EPA takes final action, EPA will be required to disapprove the revisions to the ozone and carbon monoxide plans. Under Section 110(a)(2)(I) and 40 CFR 52.24 (1981), disapproval would trigger a moratorium on the construction and modification of major stationary sources of ozone and carbon monoxide in the nonattainment area to which these plan revisions apply.

Disapproval may also result in restrictions on Federal funding pursuant to Sections 176(a) and 316(b) of the Clean Air Act. Under Section 176(a), EPA and the Department of Transportation must limit funds for air quality planning and transportation projects in any nonattainment area where transportation control measures are necessary for attainment and where EPA finds that a State has not submitted, or made reasonable efforts to submit, a plan meeting the requirements of Section 172. Under Section 316(b), the Administrator has discretion to limit sewage treatment funding in similar circumstances.

EPA will publish a separate notice of proposed rulemaking and provide an opportunity for comment before imposing either of these funding restrictions. For more information on the scope of the restrictions and the procedures EPA will follow, see 45 FR 24692 (April 10, 1980) (air quality planning and transportation grants) and 45 FR 53382 (August 11, 1980) (sewage treatment grants).

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

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the Administrator must assess the impact of proposed and final rules on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator has certified that SIP approvals will not have a significant economic impact on a substantial number of small entities (46 FR 8709). A disapproval, if promulgated, will impose a moratorium on the construction and modification of major stationary sources of ozone and carbon monoxide in the St. Louis area. Although this moratorium may have an impact on some small entities, EPA has not been able to quantify the impact because of the lack of imformation on plans for future business growth. Furthermore, this potential impact cannot affect EPA's action. Under the Clean Air Act, imposition of a construction ban is automatic and mandatory whenever EPA disapproves a SIP for failure to satisfy a Part D requirement.

List of Subjects in 40 CFR Part 52

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

This notice is issued under the authority of Sections 110 and 301 of the Clean Air Act, as amended.

Dated: January 24, 1983.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 83-9250 Filed 4-8-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[EPA Docket No. AW400PA; A-3-FRL 2300-4]

Commonwealth of Pennsylvania; Proposed Pennsylvania State Implementation Plan for Lead

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice proposes the approval of portions of the Pennsylvania State Implementation Plan (SIP) for Lead. No action is being taken on other portions of this SIP for three areas for reasons discussed in this notice.

The Pennsylvania Department of Environmental Resources (DER) submitted this SIP in a letter of September 30, 1982, in order to satisfy requirements of 40 CFR Part 51, Subpart E. This SIP is intended to demonstrate attainment of the ambient standard for lead within three years of its approval.

DATE: Comments must be submitted on or before May 11, 1983.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following locations:

U.S. EPA, Air Programs and Energy Branch, 6th and Walnut Streets, Curtis Building, Philadelphia, PA 19106, ATTEN: Gregory Ham (3AW11)

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120, ATTN: Gary L. Triplett

All comments on the proposed revision submitted on or before May 11, 1983 will be considered and should be sent to: Mr. Glenn Hanson, Chief, Pennsylvania Section (3AW11), Air and Waste Management Division, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philiadelphia, PA 19106.

FOR FURTHER INFORMATION CONTACT: Mr Gregory D. Ham at the address listed for Mr. Glenn Hanson above, or at (215) 597-2745.

SUPPLEMENTARY INFORMATION: The Pennsylvania State Implementation Plan (SIP) for lead was submitted by DER Secretary Peter N. Duncan on September 30, 1982. A public hearing was held on September 8, 1982 on this SIP. In addition, DER has indicated that it has the legal authority necessary to implement this plan and any control strategies related to it.

The National Ambient Air Quality Standard (NAAQS) for lead was published on October 5, 1978 (43 FR 46269), along with the requirements for lead SIP's. The plan which DER has submitted is intended to satisfy these requirements for all areas of the State except Allegheny county and Philadelphia. The following paragraphs discuss these requirements and the adequacy of the State's SIP in meeting these requirements.

1. Emissions Data

DER has submitted lead emissions data for point and area sources. This information was developed from 1975, 1976, and 1977 emissions data. For point sources, DER used information in existing inventories where available (from the 1976 inventory). For sources for which lead emissions information was not available, particulate emissions were used to provide an estimate using particulate-to-lead ratios. In other cases, emission factors were used. This inventory contains all sources that emit 5 tons or more lead per year, and all emission factors and methods used to estimate emissions are documented in the SIP revision.

The area source inventory includes mobile and small stationary sources. The estimates for mobile source emissions, from exhaust and re-entrained dust, were developed according to procedures outlined in EPA's guidelines on lead SIP's. The stationary area source emissions were developed using EPA's Hazardous and Trace Emissions System emission factors.

Summary tables of the emissions inventories above were included in the SIP. The complete point source inventory is available for inspection at the DER office listed in the "**ADDRESSES**" section of this notice. Documentation of the procedures and emission factors used in developing these inventories was also submitted.

DER has projected emissions based on the above inventories, to determine expected emission levels for 1982. For point sources, DER used known or expected changes where information was available, or estimated the changes from projected changes in employment levels in each area. For area sources, DER used the same methods for the projection year as for the base year inventory.

2. Air Quality Data

DER has submitted a summary of air quality data which has been collected since 1974. From this data, all monitors which showed violations were selected for further analysis. Eleven areas in Pennsylvania have shown violations during this time. EPA has reviewed this information, and believes that the data submitted is complete and accurate.

Section 58.20(e) of the Code of Federal Regulations requires States to submit a description of the lead monitoring network to EPA. Pennsylvania has submitted a network description which has been approved by EPA and will be reviewed annually to ensure that the network is adequate to meet air quality data requirements. This and other monitoring requirements are addressed in Chapter 5, "Air Quality Surveillance", of Pennsylvania's SIP for lead.

3. Control Measures

The demonstration of attainment for eight of the areas where violations have occurred, shows that the standard will not be violated in 1982. This is based on emission reductions which have occurred from stationary sources, and due to the decreased emissions of lead from combusted gasoline. Therefore, further control measures for these areas are not required.

Pennsylvania has identified the three secondary lead smelters as contributing to violations of the lead standard in these areas. However, specific, enforceable control measures providing for attainment in these areas have not been submitted. DER has committed to develop agreements with the three companies and has listed specific measures which will be considered for implementation at each plant to bring about attainment. However, because of the lack of enforceable control measures in the SIP, EPA cannot approve the SIP for the areas surrounding the three secondary lead smelters, and is therefore taking no action on the SIP for these three areas.

The three smelters are:

1. East Penn Manufacturing Company, Lyons, PA
2. General Battery Corporation, Muhlenberg, PA
3. Tonolli Corporation, Nesquehoning, PA

4. Demonstration of Attainment/ Modeling

Based on the emissions inventory and air quality data in the SIP, DER has determined that a demonstration of attainment is required for eleven areas in the State. Seven of these areas contain stationary sources, while four are areas where mobile source emissions are predominant.

The Industrial Source Complex Long Term model was used to calculate maximum ambient lead levels for the base year (1976) and the projection year (1982). The results of this modeling showed that the standard will be

attained in all areas but three where secondary lead smelters are located.

For these three areas, DER has committed to attainment of the ambient standard for lead within three years of EPA's approval of the SIP. EPA policy, however, has been that states must show attainment of the primary standard for lead by October 1982, four years and one month after promulgation of the standard. *See* the "Dates" section of the preamble to the lead standards, 43 FR 46246 (October 5, 1978). In 1981 EPA disapproved portions of the Missouri lead SIP including the portion adopting the same attainment date approach as presented by DER. Subsequently, three lead smelters located in Missouri filed a petition asking EPA to reconsider its disapproval of the Missouri lead SIP including its position on the attainment date issue. EPA is currently reviewing that petition and preparing a response on the issue of the proper attainment date under Section 110(a)(2)(A) of the Clean Air Act. Since EPA's action on the Missouri petition directly affects the attainment date proposed by DER for these areas, EPA is also proposing to take no action at this time on the attainment date for these areas in the Pennsylvania plan. As soon as EPA has responded to the petition for reconsideration of the Missouri lead SIP, it will take appropriate action on the Pennsylvania lead SIP attainment date for these three areas (provided that all other SIP deficiencies have been corrected). The decision to defer action on the attainment date will not affect EPA's proposed approval of the Pennsylvania lead SIP for those areas which, according to the State's demonstration, are already attaining the lead standard. Since these areas are currently attaining the standard, the attainment date has no practical impact.

5. General Requirements

Pennsylvania currently has regulations which set forth procedures for review of new and modified sources of lead in order to prevent violations of the standard in the future.

DER has committed to expend the resources necesssary to implement this SIP.

A public hearing on the Pennsylvaina Lead SIP was held on September 8, 1982. A summary of the comments was submitted by the State, with DER's responses to the comments.

EPA has reviewed the elements of Pennsylvania's State Implementation Plan for lead, and is today proposing approval of this Plan for all areas of the State except for the areas in the immediate vicinity of the three secondary lead smelters listed above.

The public is invited to submit, to the address stated above, comments on whether Pennsylvania's Lead SIP should be approved. The Administrator's decision to approve or disapprove the proposed SIP will be based in part on the comments received. Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA , and any EPA response, are available for public inspection at the EPA Region III office listed above.

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

List of Subjects in 40 CFR Part 52

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

(42 U.S.C. 7401-7642)

Dated: January 5, 1983.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 83-9097 Filed 4-8-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 387

[BMCS Docket No. MC-94-2; Notice No. 82-12]

Minimum Levels of Financial Responsibility for Motor Carriers of Property—Extension of Reduced Levels

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA requests comments on a proposed revision to its regulation concerning minimum levels of financial responsibility for motor carriers of property. The proposed revision would extend the effective date for reduced liability limits from July 1, 1983 to January 1, 1985, as specifically provided for by Section 406 of the Surface Transportation Assistance Act of 1982. The purpose of this proposed revision is to reduce the economic burden on the motor carrier and insurance industries for the full "phase-in period" permitted by law without diminishing protection to the public.

DATE: Comments must be received on or before May 26, 1983.

ADDRESS: All comments should refer to the docket number and notice number that appear at the top of this document and should be submitted, preferably in triplicate, to Room 3404, Bureau of Motor Carrier Safety, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety (BMCS), (202) 426-9767; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 6, 1983, the President signed into law the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424, 96 Stat. 2097) (STAA of 1982). Section 406(a) of the STAA of 1982 amends Section 30 of the Motor Carrier Act of 1980 (Pub. L. 96-296, 94 Stat. 820) (MCA) by allowing the Secretary to extend the "phase-in period" for the reduced minimum levels of financial responsibility for 2 years to 3½ years.

Section 30 of the MCA sets forth minimum levels of financial responsibility which must be maintained by motor carriers of property. The MCA also gave the Secretary the authority to reduce those levels, by regulation, for up to a 2-year "phase-in period" provided the reduced levels would not adversely affect public safety and would prevent a serious disruption in transportation service.

In the final rule implementing the provisions of Section 30 of the MCA (46 FR 30982, June 11, 1981) as set forth in 49 CFR Part 387, the Secretary exercised his authority by reducing the minimum levels to the lowest levels allowed by the MCA for the full 2-year "phase-in period." This decision was based on comments to the docket (MC-94) received during the rulemaking process as well as on the findings contained in the regulatory evaluation/regulatory flexibility analysis prepared on the subject.

Further, in a Report to Congress required by Section 30 of the MCA, the Secretary recommended an amendment to the MCA which would allow the minimum levels of financial responsibility established by the Secretary to remain in force after June 30, 1983, and permit the Secretary thereafter to initiate rulemaking relative to requiring different levels of financial responsibility as needs of public safety dictate. Such action would have allowed the Secretary to obtain current, valid, substantive information. From this,

reasonable decisions could have been made that would have provided adequate protection for the public. Further, such action would not have adversely affected either the motor carrier or insurance industries. Future limits would have been based on a public record compiled according to rulemaking procedures.

The amendment contained in Section 406 of the STAA of 1982 responds to the Secretary's recommendation in the Report to Congress. While the amendment does not fully grant the Secretary discretionary authority to establish appropriate levels of financial responsibility, it does extend the allowable "phase-in period" from 2 years to 3½ years.

This notice proposes to amend the current regulations regarding the minimum levels of financial responsibility by revising the Schedule Of Limits table located in 49 CFR 387.9 and 387.15 to reflect the additional 18 month "phase-in period" permitted by Section 406 of the STAA of 1980.

This proposal is based on the belief that the proposed 18 month extension will not adversely affect public safety. Available data developed during the promulgation of the current rule indicates that the current minimum levels are sufficient to satisfy liability claims arising from the vast majority of accidents reported. Further, it is believed that the proposed extension would prevent a serious disruption in the transportation industry, since the commercial motor carrier industry is currently undergoing a period of financial difficulty and constriction. The extension of the "phase-in period" will help to stabilize the overhead of motor carriers through the economic recovery period.

Those desiring to comment on this rulemaking action are asked to submit their views, data and arguments to the docket at the above address. Comments need not be limited to the areas specifically mentioned in the NPRM. All comments received will be considered before any final rule is developed.

All comments submitted will be available, both before and after the closing date, for examination by interested persons in the Docket Room of the Bureau of Motor Carrier Safety, Room 3404, 400 Seventh Street, SW., Washington, D.C., 20590.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation.

The final regulatory evaluation which was prepared for the first rulemaking is available for review in the public docket. A copy may be obtained by contacting Mr. Neill L. Thomas at the address provided above under the heading "For Further Information Contact." The FHWA specifically requests information upon which to determine whether such action would have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 387

Hazardous materials transportation, Insurance, Motor carriers, Surety bonds.

In consideration of the foregoing, the FHWA is considering amending Part 387 of Title 49, Code of Federal Regulations, as set forth below.

1. The Schedule of Limits table in § 387.9 is amended by removing the date "July 1, 1983" and replacing it with the date "January 1, 1985." As revised, the table now reads as follows:

§ 387.9 Financial responsibility, minimum levels.

* * * * *

SCHEDULE OF LIMITS.—PUBLIC LIABILITY

*Type of carriage	Commodity transported	July 1, 1981	Jan. 1, 1985
(1) For-hire (in interstate or foreign commerce).	Property (nonhazardous)	$500,000	$750,000
(2) For-hire and Private (in interstate, foreign, or intrastate commerce).	Hazardous substances, as defined in 49 CFR 171.8, liquefied compressed gas, or compressed gas transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk (any quantity): Class A or B explosives or poison gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000
(3) For-hire and Private (in interstate or foreign commerce: in any quantity) or (in intrastate commerce: in bulk only):	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000
(4) For-hire and Private (in interstate or foreign commerce).	Any quantity of Class A or B explosives; any quantity of poison gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000

*NOTE.—The type of carriage listed under numbers (1), (2), and (3) apply to vehicles with a gross vehicle weight rating of 10,000 pounds or more. The type of carriage listed under number (4) applies to all vehicles with a gross vehicle weight rating of less than 10,000 pounds.

2. The Schedule of Limits table in Illustration I of §387.15 is amended by removing the date "July 1, 1983" and replacing it with the date January 1, 1985." As revised, the table now reads as follows:

§ 387.15 Forms.

* * * * * * *

SCHEDULE OF LIMITS.—PUBLIC LIABILITY

*Type of Carriage	Commodity transported	July 1, 1981	Jan. 1, 1985
(1) For-hire (in interstate or foreign commerce).	Property (nonhazardous)	$500,000	750,000
(2) For-hire and Private (in interstate, foreign, or intrastate commerce).	Hazardous substances, as defined in 49 CFR 171.8, liquefied compressed gas, or compressed gas transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk (any quantity): Class A or B explosives or poison gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000
(3) For-hire and Private (in interstate or foreign commerce: in any quantity) or (in intrastate commerce: in bulk only).	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000
(4) For-hire and Private (in interstate or foreign commerce).	Any quantity of Class A or B explosives; any quantity of poison gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000

*Notes.—The type of carriage listed under numbers (1), (2), and (3) apply to vehicles with a gross vehicle weight rating of 10,000 pounds or more. The type of carriage listed under number (4) applies to all vehicles with a gross vehicle weight rating of less than 10,000 pounds.

Note.—This table showing the schedule of limits may appear at the bottom or on the reverse side of form MCS-90.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

(Section 406, Pub. L. 97-424, 96 Stat. 2097; 49 CFR 1.48 and 301.60)

Issued on: April 6, 1983.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc. 83-9355 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-22-M

Notices

Federal Register
Vol. 48, No. 70
Monday, April 11, 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

Packers and Stockyards Administration

Posted Stockyards; Holbrook, Ariz. et al.

Pursuant to the authority delegated under the Packers and Stockyards Act, 1981, as amended (7 U.S.C. 181 *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on respective dates specified below.

Facility No., name, and location of stockyard	Date of posting
AZ-112 Sun Valley Livestock Auction, Holbrook, Arizona.	Feb. 5, 1982.
FL-130 Sparr Farm and Home Auction, Sparr, Florida.	July 30, 1982.
MO-254 Laclede County Livestock Producers Association, Lebanon, Missouri.	Feb. 17, 1982.
MO-255 Wright County Livestock Auction, Inc., Mountain Grove, Missouri.	Oct. 20, 1982.
TX-324 Community Livestock Sales, Inc., Rio Grande City, Texas.	Dec. 15, 1982.

Done at Washington, D.C., this 4th day of April 1983.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 83-9429 Filed 4-8-83; 8:45 am]

BILLING CODE 3410-02-M

ARMS CONTROL AND DISARMAMENT AGENCY

Performance Review Board; Membership

AGENCY: U.S. Arms Control and Disarmament Agency.

ACTION: Notice of membership of Performance Review Board.

SUMMARY: In accordance with 5 U.S.C. 4314(c)(4), the U.S. Arms Control and Disarmament Agency announces the appointment of Performance Review Board members.

EFFECTIVE DATE: March 25, 1983.

FOR FURTHER INFORMATION CONTACT: Hazel Wyatt, Personnel Officer, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451 (202) 632-2034.

The following are the names and present titles of the individuals appointed to the register from which Performance Review Boards will be established by the U.S. Arms Control and Disarmament Agency. Each individual will serve a one year renewable term beginning on the effective date of this notice. Specific Performance Review Boards will be established as needed from this Register.

Name and title

James George—Assistant Director, Multilateral Affairs Bureau
Manfred Eimer—Assistant Director, Verification and Intelligence Bureau
Paul Nitze—Special Representative to the INF
Louis Nosenzo—Deputy Assistant Director, Strategic Programs Bureau
Mary Hoinkes—Deputy Assistant Director, Multilateral Affairs Bureau
Albert Christopher—Deputy Assistant Director, Nuclear Weapons and Control Bureau
Norman Clyne—Executive Secretary to the INF
James Timbie—Special Assistant to the Director
Charles Kupperman—Executive Director, General Advisory Committee
Lucas Fischer—Division Chief, Strategic Programs Bureau, Theater Affairs Division
Victor Alessi—Division Chief, Strategic Programs Bureau, Strategic Affairs Division
Robert Rochlin—Chief Scientist, Multilateral Affairs Bureau
Alfred Lieberman—Senior Advisor, Operations Research and Analysis
Alfred Hartzler—Chief, Computer Services Group
William Staples—Division Chief, Nuclear and Weapons Control Bureau, Defense Program and Analysis Division
Joerg Menzel—Division Chief, Nuclear Weapons and Control Bureau, Nuclear Safeguards and Technology Division
Maurice Eisenstein—Division Chief, Nuclear Weapons and Control Bureau, Technology Transfer Group
William Montgomery—Administrative Director
A. Richard Richstein—General Counsel
Norman Wulf—Deputy General Counsel
Thomas Graham—Director, Office of Congressional and Public Affairs
Joseph Lehman—Deputy Director for Public Affairs.

Dated: March 25, 1983.

William J. Montgomery,

Administrative Director.

[FR Doc. 83-9385 Filed 4-8-83; 8:45 am]

BILLING CODE 6820-32-M

CIVIL AERONAUTICS BOARD

[Docket 40524]

Independent Air Inc., Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to commence on April 22, 1983, at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Chief Administrative Law Judge.

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

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-9424 Filed 4-8-83; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under Subpart Q of the Board's Procedural Regulations; week ended: April 1, 1983.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See 14 CFR 302.1701 et seq.)

Date filed	Docket No.	Description
Mar. 28, 1983	41394	Northwest Airlines, Inc., c/o Ronald D. Eastman, Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue, N.W., Suite 700, Washington, D.C. 20036. Conforming Application of Northwest Airlines, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for an amendment to its certificate for Route 179 authorizing Northwest to engage in the scheduled air transportation of persons, property and mail on an unrestricted basis between the United States and Lebanon as follows: "2. Between a point or points in the United States and Tel Aviv, Israel, Shannon, Ireland, and a point or points in Belgium, the Netherlands, Luxembourg, the Federal Republic of Germany, Iceland, Denmark, Norway, Sweden, Finland, Switzerland, Lebanon and Jordan." Answers may be filed by April 13, 1983.
Mar. 31, 1983	41401	Aviation Associates Limited, c/o Martin P. Mittet, Mittet & Paja, 569 D Division Street, Port Orchard, Washington 98366. Application of Aviation Associates Limited pursuant to Section 401(d)(1) of the Act and Subp-art Q of the Board's Procedural Regulations requests authority, for an indefinite term, to engage in scheduled interstate transportation of persons, property and mail within the State of Alaska for two routes, the first between the terminal points of Ketchikan Harbor and Klawock, with intermediate stops at Ketchikan International Airport and an intermediate stop at Craig, and the second route between the terminal points of Ketchikan Harbor and Hydaburg, with intermediate stops at Ketchikan International Airport. Conforming Applications, Motions to Modify Scope and Answers, may be filed by April 28, 1983.
Apr. 1, 1983	41406	Empire Airlines, Inc., c/o Michael Goldman, Verner, Liipfert, Bernhard and McPherson, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Application of Empire Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, applies for issuance of a certificate of public convenience and necessity authorizing it to engage in scheduled foreign air transportation with respect to persons, property, and mail between Syracuse, New York, on the one hand, and Montreal, Toronto, and Ottawa, Canada, on the other. Conforming Applications, Motions to Modify Scope and Answers may be filed by April 29, 1983.
Mar. 30, 1983	41233	Simmons Airlines, Inc., c/o Michael R. Fournier, 11 East Goethe Street, Chicago, Illinois 60610. Amendment to the Application of Simmons Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, for a certificate of public convenience and necessity for interstate and overseas air transportation. (Additional information). Answers may be filed by April 27, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-9423 Filed 4-8-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping Investigation; Thin Sheet Glass From Belgium

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation—Thin sheet glass from Belgium.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether thin sheet glass from Belgium is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before May 2, 1983, and we will make ours on or before August 23, 1983.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-4929.

SUPPLEMENTARY INFORMATION:

The Petition

On March 16, 1983, we received a petition from counsel for Jeannette Sheet Glass Corporation on behalf of the thin sheet glass industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Belgium are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring a United States industry.

The allegation of sales at less than fair value is supported by comparisons of average 1982 *ex factory* quarterly sale prices of thin sheet glass in Belgium to the 1982 quarterly FOB origin prices of thin sheet glass imported into the United States from Belgium. The petitioner developed U.S. price from FOB prices obtained from U.S. Department of Commerce statistics.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition and have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether thin sheet glass from Belgium is being, or is likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by August 23, 1983.

Scope of Investigation

The merchandise covered by this investigation is thin sheet glass. Thin sheet glass is ordinary glass (i.e. not colored or special), blown or drawn (whether or not continuing wire netting), in rectangles; not ground, not polished and not otherwise processed, other than cast, rolled, pressed, or molded glass; weighing over 4 ounces but not over 12 ounces per square foot, as currently provided for in items 542.1100 and 542.1300 of the *Tariff Schedules of the United States Annotated (TSUSA).*

Thin sheet glass is separable into two categories: High Quality thin sheet glass and Regular Quality thin sheet glass. High Quality thin sheet glass is glass suitable for use as, and meets the technical specifications for, photographic slides and optical coated glass for instrumentation and other technical and scientific applications, including LED and LCD applications. Regular Quality thin sheet glass is all

other thin sheet glass which does not meet the technical specifications of the High Quality thin sheet glass defined above, e.g. glass suitable for use in microscope slides and covers and cosmetic mirrors.

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by May 2, 1983, whether there is a reasonable indication that imports of thin sheet glass from Belgium are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 5, 1983.

[FR Doc. 83-9406 Filed 4-8-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; Thin Sheet Glass From the Federal Republic of Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation—thin sheet glass from the Federal Republic of Germany.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether thin sheet glass from the Federal Republic of Germany is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before May 2, 1983, and we will make ours on or before August 23, 1983.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-4929.

SUPPLEMENTARY INFORMATION:

The Petition

On March 16, 1983, we received a petition from counsel for Jeannette Sheet Glass Corporation on behalf of the thin sheet glass industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from the Federal Republic of Germany are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring a United States industry.

The allegation of sales at less than fair value is supported by comparisons of average 1982 *ex factory* quarterly sale prices of thin sheet glass in the Federal Republic of Germany to the 1982 quarterly FOB origin prices of thin sheet glass imported into the United States from the Federal Republic of Germany. The petitioner developed U.S. price from FOB prices obtained from U.S. Department of Commerce statistics.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition and have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether thin sheet glass from the Federal Republic of Germany is being, or is likely to be sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by August 23, 1983.

Scope of Investigation

The merchandise covered by this investigation is thin sheet glass. Thin sheet glass is ordinary glass (i.e. not colored or special), blown or drawn (whether or not containing wire netting), in rectangles; not ground, not polished and not otherwise processed, other than cast, rolled, pressed, or molded glass; weighing over 4 ounces but not over 12 ounces per square foot, as currently provided for in items 542.1100 and 542.1300 of the *Tariff Schedules of the United States Annotated (TSUSA).*

Thin sheet glass is separable into two categories: High Quality thin sheet glass and Regular Quality thin sheet glass. High Quality thin sheet glass is glass suitable for use as, and meets the technical specifications for, photographic slides and optical coated glass for instrumentation and other technical and scientific applications, including LED and LCD applications. Regular Quality thin sheet glass is all other thin sheet glass which does not meet the technical specifications of the High Quality thin sheet glass defined above, e.g. glass suitable for use in microscope slides and covers and cosmetic mirrors.

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by May 2, 1983, whether there is a reasonable indication that imports of thin sheet glass from the Federal Republic of Germany are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 5, 1983.

[FR Doc. 83-9404 Filed 4-8-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; Thin Sheet Glass From Switzerland

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation—Thin sheet glass from Switzerland.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether thin sheet glass from Switzerland is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before May 2, 1983, and we will make ours on or before August 23, 1983.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377–4929.

SUPPLEMENTARY INFORMATION:

The Petition

On March 16, 1983, we received a petition from counsel for Jeannette Sheet Glass Corporation on behalf of the thin sheet glass industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Switzerland are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring a United States industry.

The allegation of sales at less than fair value is supported by comparisons of average 1982 FOB *ex factory* quarterly sale prices of thin sheet glass in Switzerland to the 1982 quarterly FOB origin prices of thin sheet glass imported into the United States from Switzerland. The petitioner developed U.S. price from FOB prices obtained from U.S. Department of Commerce statistics.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition and have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether thin sheet glass from Switzerland is being, or is likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by August 23, 1983.

Scope of Investigation

The merchandise covered by this investigation is thin sheet glass. Thin sheet glass is ordinary glass, (i.e. not colored or special), blown or drawn (whether or not containing wire netting), in rectangles; not ground, not polished and not otherwise processed, other than cast, rolled, pressed, or molded glass; weighing over 4 ounces but not over 12 ounces per square foot, as currently provided for in items 542.1100 and 542.1300 of the *Tariff Schedules of the United States Annotated (TSUSA).* Thin sheet glass is separable into two categories: High Quality thin sheet glass and Regular Quality thin sheet glass. High Quality thin sheet glass is glass suitable for use as, and meets the technical specifications for, photographic slides and optical coated glass for instrumentation and other technical and scientific applications, including LED and LCD applications. Regular Quality thin sheet glass is all other thin sheet glass which does not meet the technical specifications of the High Quality thin sheet glass defined above, e.g. glass suitable for use in microscope slides and covers and cosmetic mirrors.

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by May 2, 1983, whether there is a reasonable indication that imports of thin sheet glass from Switzerland are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 5, 1983.

[FR Doc. 83-9405 Filed 4-6-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Tuna From the Republic of the Philippines

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in the Republic of the Philippines of tuna, as described in the "Scope of the Investigation" section below, 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 6, 1983.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; (202) 377–1279.

SUPPLEMENTARY INFORMATION:

Petition

On March 11, 1983, we received a petition from counsel for the Tuna Research Foundation, Inc., on behalf of the U.S. industry producing canned tuna. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, manufacturers, or exporters in the Philippines of tuna receive directly or indirectly, bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the "Act").

The Philippines 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, because the merchandise 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 to cause 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 tuna 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 the Philippines of tuna, as listed in the "Scope of the Investigation" section of this notice, receive bounties or grants. If our investigations proceeds normally, we will make our preliminary determination by June 6, 1983.

Scope of the Investigation

The product covered by this investigation is tuna prepared or preserved in any manner, not in oil, in airtight containers. The merchandise is currently classified under item numbers 112.3020, 112.3040 and 112.3400 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Allegations of Bounties or Grants

The petition alleges that producers, manufacturers, or exporters in the Philippines of canned tuna receive the following benefits that constitute bounties or grants: Incentives for registered companies under the omnibus investment code—accelerated depreciation, net operating loss carry-over, tax exemption on imported capital equipment, tax credit on domestic capital equipment, tax credit for withholding tax on interest, deduction for expansion reinvestment and deduction of labor training expenses; additional incentives available to registered export producers under the omnibus investment code—tax credit, reduced income tax, additional tax reduction for use of new brand names, tax-free importation of capital equipment, tax credit on net value earned and tax credit on net local content; export development assistance from the government; preferential financing for exports; equity participation by the government; and preferential export credit insurance and export and foreign loan guarantees.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 5, 1983.

[FR Doc. 83-0907 Filed 4-8-83; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Technology Commercialization Center (TCC) Program; Solicitation Applications

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Technology Commercialization Center (TCC) Program to operate two Technology Commercialization Centers for a period of 12 months each beginning on or about June 1, 1983 in the New York City area and Puerto Rico. Federal funds are estimated at $150,000 for each center with a 10% cost sharing requirement (any combination of cash, in-kind or fees for services). Two separate awards will be made. Reference may be made to Catalog of Federal Domestic Assistance—11.814 Minority Business Development. It is anticipated that the funding instrument will be a grant as defined by the Federal Grant and Cooperative Agreement Act of 1977. The applicant shall be expected to provide and/or broker those services necessary to move technology-based projects from the initial evaluation stage through the product development phase into commercialization. These services shall benefit those minorities capable of engaging in technology-based and growth oriented businesses, inventors, innovators and sources of financial assistance. Experience/capability is required in technology commercialization. There are no restrictions (any profit or non-profit institution is eligible to submit an application).

DATES: The closing date for receipt of applications is April 30, 1983, with a postmark date on or before April 30, 1983.

ADDRESS: New York Regional Office, Minority Business Development Agency, 26 Federal Plaza, Room 36–116, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Joseph F. Korpsak, Telephone: (212) 264–3262.

SUPPLEMENTARY INFORMATION: This program is subject to OMB Circular A–95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

(11.814 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: April 1, 1983.

Joseph F. Korpsak,

Acting Regional Director.

[FR Doc. 83-9042 Filed 4-8-83; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcements; Arizona

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Indian Business Development Center program to operate one project for a 12 month period beginning October 1, 1983 in the State of Arizona. The cost of the project is estimated to be $185,300. The maximum Federal participation amount is $168,300. The minimum amount required for non-federal participation is $17,000. The award number will be 09–10–83016–01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

DATE: Closing date: April 26, 1983.

ADDRESS: Proposals are to be mailed to the following address: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Avenue, Box 36114, San Francisco, California 94102.

FOR FURTHER INFORMATION CONTACT: Mikel Cook at 415/556–6733.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC

program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firm; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Applicants are limited to Indian-owned firms, Indian Tribes, and Indian individuals, profit or non-profit.

—To provide management and technical assistance to qualified Indian firms,
—To develop and maintain an inventory of existing Indian Businesses and prospective entrepreneurs, and
—To provide brokering service that will foster and promote new business ownership, business expansions, market opportunities and new capital sources.

Legal services are excluded.

C. Evaluation Process

All proposal received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I

Capability and Experience of Firm/Staff.—provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—the organization's receptivity in the MBE community to be served, i.e., business contracts in the public and private sector; leadership responsibilites; and experience in assising MBE business persons and firms. (References from clients assisted are pertinent.)
—background credentials and references for the owners of the organization and a capability statement of what the organization can do.
—knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUB, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.
—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.
—Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.
—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note: All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II

Techniques and Methodology—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III

Resources—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order or priority: (1) Cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-Kind contribution*—represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV

Costs—demonstrate in narrative format that costs being proposed will give the minority business client and the goverment the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III— the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

—clear explanations of all expenditures proposed, and

—the extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC) Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms

This program is subject to OMB Circular A–95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A pre-application conference to assist all interested applicants will be held at the above address on March 30, 1983 at 10:00 a.m., Room 15018 (15th Floor).

(11.800 Minority Business Development; Catalog of Federal Domestic Assistance)

Dated: March 10, 1983.

Powell McDaniel,

Regional Director.

[FR Doc. 83-9288 Filed 4-8-83; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Marine Fisheries Advisory Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: Subcommittee meetings of the Marine Fisheries Advisory Committee, April 27, 1983.

DATE: The meetings will convene on April 27, 1983, at 1:00 p.m. and end at approximately 4:30 p.m.

ADDRESS: National Marine Fisheries Service Southwest Center, 8604 La Jolla Shores Dr., and Royal Inn of La Jolla, 7830 Fay Avenue, La Jolla, California.

Meeting Agenda: The Habitat Conservation Subcommittee will meet at 1:00 p.m. on April 27, 1983, in the Conference Room at the National Marine Fisheries Service Southwest Center to discuss the Habitat Conservation Policy paper; the status of Section 404 of the Clean Water Act; and the status of the sanctuaries program in California. The Consumer Affairs Subcommittee will meet at 1:30 p.m. in Room *523* at the Royal Inn of La Jolla, to discuss NMFS reorganization; consumer information and Catch America activities; and new initiatives in domestic marketing and consumer education/information. The Marine Recreational Fishing Subcommittee will meet at 2:30 p.m. in the Auditorium at the National Marine Fisheries Service Southwest Center to discuss: (1) Definition of "fishing industry;" (2) Exclusive Economic Zone Proclamation; (3) status report on implementation of NMFS Marine Recreational Fishing policy; (4) preliminary results of NMFS Socioeconomic Fisheries Survey; (5) status report on NMFS National Statistical Fishery Survey; and (6) proposed Dingell-Johnson legislation. The Budget and Strategic Planning Subcommittee will meet at 3:30 p.m. in Room *224* at the Royal Inn of La Jolla to discuss the FY 1984 budget for NMFS and the NMFS strategic planning system.

FOR FURTHER INFORMATION CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, Washington, DC 20235; telephone: (202) 254–5536.

Dated: April 5, 1983.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 83-9422 Filed 4-8-83; 8:45 am]

BILLING CODE 3510-22-M

COPYRIGHT ROYALTY TRIBUNAL

[CRT Docket 81-1]

Order Directing Partial Distribution of 1980 Cable Royalty Fees

On March 7, 1983, the Tribunal published its final decision distributing the 1980 cable television royalty fees (48 FR 9552). Subsequently, the decision was appealed by Old Time Gospel Hour and National Association of Broadcasters.

On March 24, 1983, a motion was submitted by the Program Suppliers represented by the Motion Picture Association of America requesting distribution of one-half of that fund pending appeals of the Tribunal's decision. Subsequently, comments were received from the Public Broadcasting Service and National Public Radio in support of that motion.

On April 5, 1983, the Tribunal was notified by the Program Suppliers that "counsel for the parties have been contacted regarding their support for this motion. We are authorized to state that the following parties support partial distribution: Joint Sports Claimants, Public Broadcasting Service, ASCAP, BMI, and SESAC, National Public Radio, the Canadian Claimants, Multimedia Program Producers and Spanish International Network. The following parties do not object to a 50% partial distribution: National Association of Broadcasters, Christian Broadcasting Network, Old Time Gospel Hour, and PTL Club."

The Tribunal orders that 50% of the amounts allocated in the Tribunal's notice of Final Determination of March 7, 1983 be distributed to the parties effective May 6, 1983.

The distribution to be allowed at this time is:

	Percent
MPAA	33.915
Joint Sports	7.50
PBS	2.625
U.S. Television Broadcasters (NAB)	2.53
Music Performing Rights	2.125
Canadian Television	0.375
National Public Radio	0.125
Multimedia	0.58
SIN	0.245
Total	50.000

Dated: April 6, 1983.

Edward W. Ray,

Chairman.

[FR Doc. 83-9421 Filed 4-8-83; 8:45 am]

BILLING CODE 1410-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Detailed Project Report (DPR) Document; September 1981 for the Conesus Lake, New York, Flood Control Project; Environmental Impact

AGENCY: U.S. Army Corps of Engineers, Buffalo District, DOD.

ACTION: Notice of intent to prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS).

SUMMARY: 1. *Description of Action.* The proposed action would involve the construction of a "cut-west" modification that would realign the outlet channel to the west of the trailer park at the north end of Conesus Lake. The outlet channel would have a channel bottom width of 60 feet and 1 vertical on 3 horizontal side slopes. The land required for the channel is primarily underdeveloped except for several cottages along Wilson Road (a small gravel road off the Pebble Beach Road and parallel to a small tributary creek). Two cottages would be removed as a result of this alignment. A third cottage to the east would have its access cut off and would require purchase of the property or require a new access right-of-way to be provided.

A maintenance pathway across the old channel would provide maintenance access along the east bank of the proposed outlet channel. Two 4-foot diameter culverts would maintain flow through the old channel to prevent water stagnation.

Recreational facilities to provide ice fishermen access and a limited smallboat launching site will be added. The major recreational components are a parking lot for cars and a small-boat launch facility. The primary location is just south of Wilson Road on the west side of the proposed lake outlet. In addition to the lands at this location, one trailer would need to be purchased. A secondary parking lot would be provided to the north adjacent to Pebble Beach Road. The public would use Pebble Beach Road for access to the primary recreation location. The remainder of the project would remain the same as the Selected Plan described in the FEIS/DPR.

2. *Alternatives.* A wide range of structural and nonstructural alternatives were addressed in the FEIS during earlier stages of the Detailed Project Report formulation. The only alternatives presently being considered for implementation are as follows:

a. No Action.

b. Plan 6, 30–60. This plan is defined as the Selected Plan in the FEIS and DPR. The outlet configuration as described in this alternative would involve servering the trailer park in half, providing an access road from the west, and construction of a pedestrian bridge to connect the two portions of the trailer park. The outlet channel through the trailer park would disrupt its utilities.

Note.—The proposed cut-west modification, described in paragraph 1, would realign the outlet channel to the west of the trailer park.

3. *Scoping Process.* Considerable agency and public coordination has been performed during preparation of the FEIS and during earlier stages of the DPR. Additional agency and public coordination will be accomplished during preparation of the Draft Supplement to the FEIS. Participation of concerned Federal, State, and local agencies, and other interested private organizations and parties is invited. The Draft Supplement will address and assess changes relative to flood control, cultural resources, recreation, socio-economic conditions, and fish and wildlife resources in the project area as a result of the proposed cut-west modification to the Selected Plan.

4. *Scoping Meeting.* No scoping meeting is currently scheduled.

5. *Availability.* The Draft Supplement is scheduled to be available for review in May 1983.

ADDRESS: Questions about the proposed action and Draft Supplement can be answered by Mr. David MacPherson, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207, telephone (716) 876–5454, extension 2245 (FTS 473–2245).

Dated: April 3, 1983.

Robert R. Hardiman,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-9041 Filed 4-8-83; 8:45 am]

BILLING CODE 3710-GP-M

DEPARTMENT OF EDUCATION

Court Order Entered in Adams v. Bell and WEAL v. Bell

AGENCY: Department of Education.

ACTION: Notice of Court Order Entered in Adams v. Bell and WEAL v. Bell.

SUMMARY: Notice is hereby given that on March 11, 1983, the United States District Court for the District of Columbia entered an Order in Adams v. Bell, Civ. No. 70–3095 (D.D.C.) and WEAL v. Bell, Civ. No. 74–1720 (D.D.C.). On April 21, 1981, the Adams' plaintiffs moved for an Order to Show Cause why the Secretary of Education and the then Acting Assistant Secretary for Civil Rights "should not be held in contempt of this Court's Order of December 29, 1977, setting timeframes for compliance reviews and complaint processing." The Government, on August 16, 1982 filed a Motion to Vacate the December 1977 Consent Order and, alternatively, requested that the Court adopt a revised order submitted by the Government. The Order issued by the Court denied the Government's Motion to Vacate and modified the 1977 Consent Order. The entire text of this Order is published as part of this notice, as required by ¶ 22 of the Court's Order.

FOR FURTHER INFORMATION CONTACT: Harry M. Singleton, Assistant Secretary for Civil Rights, Room 5000, Mary E. Switzer Building, Department of Education, 330 C Street, S.W., Washington, D.C. 20202, Area Code (202) 245–7680.

Dated: April 5, 1983.

T. H. Bell,

Secretary of Education.

United States District Court for the District of Columbia

Kenneth Adams, *et al., Plaintiffs,* v. Terrel H. Bell, Secretary of Education, *et al., Defendants,* (Civil Action No. 3095–70); Women's Equity Action League, *et al., Plaintiffs,* v. Terrel H. Bell, Secretary of Education, *et al., Defendants,* (Civil Action No. 74–1720).

Order

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 issued an Order for defendants to show cause why 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 changer 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 acknowledgement 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 intimated 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 complanit, 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 compliant, 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) of ¶ 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 occured, 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 proportion 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 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 ¶ 18 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 compliants 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 ¶ 18 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 negotiation 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 ¶¶ 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 naton, 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 commerce an investigation, describing what occurred, when it occurred, and the basis for its occuring (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 determination 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 are 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 complaints 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 extensions 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 any one 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 of receipt 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 on 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 complaints 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 include 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 complicance 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 the 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 froth 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 provisions ¶ 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 complaint 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 timeframers 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 ¶ 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 excees 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 to 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 to 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 complatints 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 complaints where DOL initiated enforcement action. Such report need not included 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 reised 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-award 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: COSTS 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 for award of costs and fees shall be filed within 60 days unless resolved by settlement.

March 10, 1983.

John H. Pratt,

United States District Judge.

[FR Doc. 83-9296 Filed 4-8-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP83-65-000]

Alabama-Tennessee Natural Gas Co.; Proposed Changes in FERC Gas Tariff

April 4, 1983.

Take notice that on March 30, 1983, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following revised tariff sheets:

(a) Thirty-Ninth Revised Sheet No. 3–A, Superseding Second Substitute Thirty-Eighth Revised Sheet No. 3–A.

Sixth Revised Sheet No. 5, Superseding Fifth Revised Sheet No. 5.
Sixth Revised Sheet No. 6, Superseding Fifth Revised Sheet No. 6.
Sixth Revised Sheet No. 11, Superseding Fifth Revised Sheet No. 11.
Fifth Revised Sheet No. 13–B, Superseding Fourth Revised Sheet No. 13–B.
Sixth Revised Sheet No. 14, Superseding Fifth Revised Sheet No. 14.
Second Revised Sheet No. 36–M, Superseding First Revised Sheet No. 36–M.
First Revised Sheet No. 36–N, Superseding Original Sheet No. 36–N.
First Revised Sheet No. 36–O, Superseding Original Sheet No. 36–O.

(b) Alternate Thirty-Ninth Revised Sheet No. 3–A, Superseding Second Substitute Thirty-Eighth Revised Sheet No. 3–A.

Alternate Sixth Revised Sheet No. 5, Superseding Fifth Revised Sheet No. 5.
Alternate Sixth Revised Sheet No. 6, Superseding Fifth Revised Sheet No. 6.
Alternate Sixth Revised Sheet No. 11, Superseding Fifth Revised Sheet No. 11.
Alternate Fifth Revised Sheet No. 13–B, Superseding Fourth Revised Sheet No. 13–B.
Alternate Sixth Revised Sheet No. 14, Superseding Fifth Revised Sheet No. 14.
Alternate Second Revised Sheet No. 36–M, Superseding First Revised Sheet No. 36–M.
Alternate First Revised Sheet No. 36–N, Superseding Original Sheet No. 36–N.
Alternate First Revised Sheet No. 36–O, Superseding Original Sheet No. 36–O.

(c) Second Alternate Thirty-Ninth Revised Sheet No. 3–A, Superseding Second Substitute Thirty-Eight Revised Sheet No. 3–A.

Second Alternate Sixth Revised Sheet No. 5, Superseding Fifth Revised Sheet No. 5.
Second Alternate Sixth Revised Sheet No. 6, Superseding Fifth Revised Sheet No. 6.
Second Alternate Sixth Revised Sheet No. 11, Superseding Fifth Revised Sheet No. 11.
Second Alternate Fifth Revised Sheet No. 13–B, Superseding Fourth Revised Sheet No. 13–B.
Second Alternate Sixth Revised Sheet No. 14, Superseding Fifth Revised Sheet No. 14.
Second Alternate Second Revised Sheet No. 36–M, Superseding First Revised Sheet No. 36–M.
Second Alternate First Revised Sheet No. 36–N, Superseding Original Sheet No. 36–N.
Second Alternate First Revised Sheet No. 36–O, Superseding Original Sheet No. 36–O.

Alabama-Tennessee states that the purpose of the filing is to comply with the Commission's Regulations under § 154.38(d)(4)(vi)(a), which require a company with a PGA clause to file a study at least every 36 months supporting a restatement of its base tariff rate.

Alabama-Tennessee states that copies of this filing have been served upon its customers and the State Commissions of Alabama, Mississippi, and Tennessee.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Section 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 211, 214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9325 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-415-000]

American Electric Power Service Corp.; Filing

April 4, 1983.

The filing Company submits the following:

Take notice that on March 28, 1983, the American Electric Power Service Corporation (AEP) on behalf of its affiliates Appalachian Power Company (Appalachian), Ohio Power Company (Ohio Power), and Wheeling Electric Company (Wheeling), (sometimes collectively referred to as the AEP Parties) Modification No. 14, dated February 15, 1983 to the Operating Agreement, dated June 1, 1971, among Ohio Power, Wheeling, Appalachian, Monongahela Power Company (Monongahela) and West Penn Power Company (West Penn). Monongahela and West Penn are members of the Allegheny Power System (APS) and are sometimes collectively referred to as the APS Parties. The Commission has previously designated the 1971 Agreement as Appalachian's Rate Schedule FERC No. 55, Ohio Power's Rate Schedule FERC No. 73, Wheeling Rate Schedule FERC No. 5, Monongahela's Rate Schedule FERC No. 31, and West Penn's Rate Schedule FERC No. 28.

AEP states that Sections 1 of Modification No. 14 provides for an increase in the transmission demand charge for Short-Term Power to $0.35 per kilowatt per week when AEP parties are the supplying party and to $0.30 per kilowatt per week when the APS parties are the supplying party. Section 2 and 3 increase the Limited Term Power transmission demand charge to $1.50 per kilowatt per month when AEP parties are the supplying and to $1.25 per kilowatt per month when APS parties are the supplying party. These transmission demand charges are utilized just for multi-party transactions and are substantially the same as transmission demand charges that AEP

Parties presently have on file and accepted for filing by the Commission.

AEP requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Pennsylvania Public Utility Commission, the Public Service Commission of West Virginia, the Virginia State Corporation Commission, and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 383.211, 385.214). All such motions or protests should be filed on or before April 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9326 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-700-000]

Bangor Hydro Electric Co.; Refund Report

April 4, 1983.

The filing Company submits the following:

Take notice that on February 14, 1983, Bangor Hydro Electric Company submitted for filing a refund report pursuant to the Commission's letter of December 30, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 18, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9327 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-196-000]

Big Horn Industries; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 4, 1983.

On February 16, 1983, Big Horn Industries, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located in Big Horn County, Montana. The primary energy source to the facility will be subbituminous coal. The electric power production capacity will be 12,000 kilowatts. The facility proposal involves the conversion of a former sugar beet refinery, to a facility which will include electrical cogeneration and fuel grade ethyl alcohol production. Three existing coal fired boilers in the facility, after minor repairs and revisions, will be utilized for steam generation. Installation will begin in July 1983. Applicant states that no electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9328 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-64-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 4, 1983.

Take notice that, on March 29, 1983, Columbia Gas Transmission Corporation (Columbia) tendered for filing the following tariff sheet to its FERC Gas Tariff, Original Volume No. 1:

Third Revised Sheet No. 55

The subject tariff sheet bears an issue date of March 29, 1983, and a proposed effective date of May 1, 1983.

Columbia states that this tariff sheet is being filed to reflect a change to Section 10.2 of the General Terms and Conditions of Columbia's Original Volume No. 1 tariff, providing for the electronic transfer of Federal Funds, or in such other funds which are immediately available, in payment of bills by its gas customers. This is in accord with modern payment methods.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9329 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-413-000]

Commonwealth Edison Co.; Filing

April 4, 1983.

The filing Company submits the following:

Take notice that on March 28, 1983, Commonwealth Edison Company (Commonwealth) tendered for filing changes in its FERC Electric Tariff. Commonwealth states that the proposed changes amend the Electric Service Contract by reducing the charges applicable to the City of Naperville, Illinois under the Company's Rider 7, Meter Lease.

A copy of the filing has been served upon the City of Naperville, Illinois.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9330 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-51-000; (PGA83-2 and IPR83-2)]

Great Lakes Gas Transmission Co.; Proposed Changes in FERC Gas Tariff Under Purchased Gas Adjustment Clause Provisions

April 4, 1983.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on March 31, 1983, tendered for filing Forty Second-A Revised Sheet No. 57, and Sixth Revised Sheet No. 57-A to its FERC Gas Tariff, First Revised Volume No. 1, proposed to be effective May 1, 1983.

Forty Second-A Revised Sheet No. 57 includes a revised purchased gas cost adjustment which reflects a decrease in the cost of gas purchased from TransCanada PipeLines Limited, its sole supplier of natural gas, as a result of a decrease in the heat content of the gas.

In addition, the revised tariff sheet reflects a purchased gas cost surcharge resulting from maintaining an unrecovered purchased gas cost account for the period commencing September 1, 1982 and ending February 28, 1983.

Sixth Revising Sheet No. 57-A reflects the estimated incremental pricing surcharge for the six month period commencing May 1, 1983 and ending October 31, 1983. No incremental costs are estimated for this period.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 211, 214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9331 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA83-2-46-000]

Kentucky West Virginia Gas Co.; Proposed Change in Rates

April 4, 1983.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on March 31, 1983, tendered for filing with the Commission its Twenty-Seventh Revised Sheet No. 27 and Seventh Revised Sheet No. 27A to its FERC Gas Tariff, First Revised Volume No. 1, to become effective May 1, 1983.

Kentucky West states that the change in rates results from the application of the Purchase Gas Cost Adjustment provision in Section 18, General Terms and Conditions of FERC Gas Tariff, First Revised Volume No. 1.

Kentucky West states that the instant filing reflects a voluntary reduction in the pricing of certain of Kentucky West's pipeline production for the subject PGA filing. Specifically, all Company production of NGPA Section 107 Devonian Shale gas has been priced by Kentucky West at a level of $4.85 per dth, or significantly below the tight sands incentive price previously attributed to such production by Kentucky West. In addition, Kentucky West's filing reflects purchases of deregulated Section 107 gas from its producer affiliates, KEPCO and Philadelphia Oil at the reduced price of $4.85 per dth effective February 1, 1983.

Kentucky West states that a copy of its filing has been served upon its purchasers and interested state commission and upon each party on the service list of Docket No. RP83-46.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9332 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-66-000]

Mississippi River Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 4, 1983.

Take notice that on March 31, 1983, Mississippi River Transmission Corporation (Mississippi) filed pursuant to Section 4 of the Natural Gas Act and the Regulations of the Federal Energy Regulatory Commission (Commission) thereunder proposed changes in its FERC Gas Tariff. Mississippi states the purpose of the filing is to reflect increases in rates for service rendered under its FERC Gas Tariff, and to supersede the entire "First Revised Volume No. 1" of Mississippi's tariff with "Second Revised Volume No. 1". The changes in rate level requested by Mississippi would increase its jurisdictional revenues from sales and transportation service by $39.2 million annually based on the twelve months ending December 31, 1982, as adjusted.

Mississippi states the proposed rate change is necessary to recover increases in all areas of its jurisdictional cost of service, except gas costs which are reflected in the proposed filing on the basis of the average unit cost of purchased gas contained in Mississippi's PGA rate change which became effective March 1, 1983. Mississippi states that the instant filing also reflects the establishment of two new rate schedules which will supersede Mississippi's Rate Schedule CD-1 for certain sales customers presently receiving service thereunder. It is claimed that the new rate schedules are the result of rate design changes, and will affect neither Mississippi's obligation to render service, nor the present level of such service, to any of Mississippi's customers.

Mississippi states the filing of "Second Revised Volume No. 1" to supersede the entire "First Revised Volume No. 1" was due primarily to the establishment of the new rate schedules. It is stated that the new tariff also reflects minor modifications in several areas as well as a general updating of "First Revised Volume No. 1".

Copies of the filing have been served upon Mississippi's jurisdictional

customers, and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9333 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-35-000]

Missouri Edison Co.; Application

April 4, 1983.

Take notice that on March 21, 1983, Missouri Edison Company (Applicant) filed an application seeking authority pursuant to Section 204 of the Federal Power Act to issue up to $15,000,000 principal amount of short-term debt, with final maturities of not later than December 31, 1984.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 285.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9334 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-63-000]

National Fuel Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

April 4, 1983.

Take notice that National Fuel Gas Supply Corporation ("National Fuel"), on March 30, 1983, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume Nos. 1 and 2. The proposed changes would increase revenues from jurisdictional sales and service by approximately $20,980,000 based on the twelve-month period ended December 31, 1982, as adjusted.

National Fuel states that its sales have declined to a level that prohibits its opportunity to earn its allowed return on equity. In such circumstances, National Fuel requests the Commission to suspend its proposed changes for one day if the Commission suspends the rate increase.

National Fuel states that the increased rates are required to recoup increased costs incurred in operating and maintaining its system, including, but not limited to, increased cost of capital, increased wages and increased taxes.

The rates purposed reflect an overall rate of return of 12.85 percent which is required, National Fuel states, by its increased cost of capital, increased business risk and the need to attract capital.

National Fuel states that copies of this filing were served upon the company's jurisdictional customers and the regulatory commissions of the States of New York, Ohio, Pennsylvania, Delaware and New Jersey.

Any person desiring to be heard or to protest said filing should file a petition to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 214 of the Commission's Procedural Rules (18 CFR 385.214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9335 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-414-000]

New England Power Pool; Filing

April 4, 1983.

The filing company submits the following:

Take notice that on March 28, 1983, New England Power Pool (NEPOOL) tendered for filing a NEPOOL Agreement dated September 1, 1971, as amended, signed by the Vermont Public Supply Authority. NEPOOL states that the New England Power Pool Agreement has previously been filed with the Commission as a rate schedule (designated NEPOOL FPC No. 1).

NEPOOL requests an effective date of May 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9336 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-58-001]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

April 4, 1983.

Take notice that Southern Natural Gas Company (Southern) on March 31, 1983 tendered for filing proposed changes in its FERC Gas Tariff, Sixth Revised Volume No. 1, Original Volume No. 2, and First Revised Volume No. 2A. The proposed changes would increase revenues from jurisdictional sales and services by $72.3 million based on the twelve month period ending December 31, 1982, as adjusted.

Southern states the principal reasons for the proposed rate increase are to reflect (1) declining sales volumes and (2) increased amounts for gas take-or-pay payments.

Copies of the filing were served upon Southern's jurisdictional customers and interested state public service commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Copmmission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or

protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9337 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF83-3041-000]

Southeastern Power Administration; Filing

April 4, 1983.

The filing agency submits the following:

Take notice that on March 28, 1983, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy (The Assistant Secretary), by Rate Order No. SEPA-15, confirmed and approved on an interim basis effective April 1, 1983, Rate Schedules KP-1-C and JHK-1-E for power from Southeastern Power Administration's (SEPA) Kerr-Philpott System of Projects. Rate Schedule KP-2-B has been eliminated. The interim approval extends through March 31, 1984.

The Assistant Secretary states that on March 4, 1983, the Commission approved extension of Rate Schedules KP-1-B, KP-2-B, and approved Replacement Rate Schedule JHK-1-D through March 31, 1983.

The rate schedules are submitted for confirmation and approval on a final basis pursuant to authority vested in the Commission by Delegation Order No. 0204-33. Approval is requested for a period ending September 30, 1986.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9338 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-297-000]

Arkansas Power & Light Company; Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Rejection and Summary Disposition, Granting Waiver, and Establishing Hearing and Price Squeeze Procedures

Issued: April 1, 1983.

On February 1, 1983, Arkansas Power & Light Company (AP&L) submitted for filing increased rates for firm service to its five wholesale customers in Arkansas (Arkansas customers) and its three wholesale customers in Missouri (Missouri customers).[1] The proposed rates would increase revenues from all of these customers by approximately $9.8 million (26.7%) for the calendar year 1983 test period. AP&L request an April 2, 1983 effective date.

AP&L concurrently submitted for filing a Settlement Agreement, dated January 24, 1983, executed by four of its Arkansas customers[2] which includes proposed settlement rates. The settlement rates would increase revenues from the Arkansas wholesale customers by approximately $6.1 million (17.5%).[3] The settlement agreement provides that the effective date for the proposed settlement rates will be the earlier of the date of approval of the company's proposed retail rate increase that is pending before the Arkansas Public Service Commission (APSC) in Docket No. 82-314-U, or the date on which AP&L implements increased retail rates, subject to refund. In addition, the settlement agreement provides that AP&L will reduce the proposed settlement rates on a proportionate basis in the event that the retail rates it implements are lower than those rates originally proposed in Docket No. 82-314-U. Also, the parties have agreed to request a one day suspension of the rates under the settlement agreement so as to afford refund protection to the wholesale customers should the APSC approve lower retail rates.

Notice of AP&L's filing was published in the **Federal Register** with comments due on or before February 24, 1983. On February 24, 1983, the Arkansas customers filed a motion to intervene which expresses their assent to the proposed settlement.

Also on February 24, 1983, the Cities of Thayer and Campbell, Missouri (Missouri Cities) filed a motion to intervene, protest, request for rejection, or alternatively for a maximum suspension.[4] Missouri Cities base their request for rejection on the assertion that AP&L's submittal contains insufficient support to satisfy the Commission's filing requirements. Absent rejection, Missouri Cities request summary disposition with respect to AP&L's tax adjustment clause and the loss factor contained in the fuel adjustment clause which includes a provision for losses to be calculated according to the Company's "current determination" of losses. Missouri Cities also seek summary disposition as to AP&L's (1) claimed decommissioning charge; (2) charges for the recovery of spent nuclear disposal costs; and (3) use of a two month lag for fuel adjustment clause computations. Furthermore, citing various cost of service issues including rate of return, excessive working capital, and an improper demand allocation factor, Missouri Cities request a maximum suspension and allege price squeeze and price discrimination. The Missouri Cities further request that the price squeeze and price discrimination issues be considered at hearing together with the cost of service issues or that the presiding judge be given the discretion to rule on the phasing issue.

Finally, the Missouri Cities claim that their contracts with AP&L provide that rates may not be increased until a final Commission opinion and that AP&L's filing therefore violates the *Sierra-Mobile* doctrine.[5]

On March 11, 1983, AP&L filed an answer challenging the allegations of the Missouri Cities.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR385.214), the

---

[1] *See* Attachment A for customers and rate schedule designations.

[2] The signatory customers are Benton Municipal Light and Water Works, Cities of North Little Rock and Prescott, and Arkansas and Farmers Electric Cooperative Corporation. North Arkansas Electric Cooperative, Inc. (NAEC), the remaining Arkansas customer, has followed a practice of not executing settlement agreements with AP&L, but acquiescing in the rates AP&L negotiates with its other Arkansas wholesale customers.

[3] The Missouri customers have not joined in the settlement agreement and therefore would be subject to the full rate increase which would increase revenues from these customers by approximately $640,000.

[4] AP&L's third Missouri customer is Missouri Utilities (MU). MU has not sought intervention in this proceeding.

[5] *See Federal Power Commission* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956).

unopposed motions to intervene of the Arkansas customers and the Missouri Cities serve to make them parties to this proceeding.

We find that AP&L's submittal substantially complies with the Commission's filing requirements. Therefore, we shall deny Missouri Cities' motion to reject the filing.[6] In addition, we shall deny Missouri Cities' requests for summary judgment as to certain issues.

The Missouri Cities have challenged AP&L's tax adjustment clause arguing that if it is allowed to operate as proposed, AP&L could change its rates at will in contravention of the Federal Power Act. Because the Commission has followed a consistent practice of requiring utilities to submit a timely rate change filing in order to implement a tax adjustment clause,[7] the Missouri Cities' concerns are without basis.

With respect to the request for summary actions as to AP&L's loss factor in the fuel adjustment clause, we agree that AP&L's fuel clause is somewhat vague in stating that losses will be calculated based on the company's "current determination." However, Statement BI of the filing reflects as stated 6.085% loss factor. As in the case of the Tax adjustment clause, we take this opportunity to advise AP&L that any change in the designated 6.085% loss factor will be considered a change in rate schedule requiring a timely filing in accordance with Part 35 of the Commission's regulations.

Concerning the question of AP&L's decommissioning charge, we note that in AP&L's prior rate increases in Docket No. ER81-577-000, that company treated the decommissioning charge as a separate item for billing purposes.[8] AP&L has not changed the decommissioning charge in the instant submittal. Therefore, Missouri Cities request for summary rejection of this charge will be denied.

With respect to the Misouri Cities' request for summary disposition concerning the spent nuclear fuel disposal cost component of the fuel adjustment clause for lack of cost support, we note that the fuel adjustment clause proposed in this case for service to the Missouri customers incorporates stated negative salvage amounts (1.306 mills/kWh and 1.569 mills/kWh for ANO Unit Nos. 1 and 2, respectively) which AP&L states are the product of the Revenue Model referenced in its present fuel clause.[9] It appears that AP&L has simply replaced the formulary language contained in its present fuel clause with stated amounts representing the product of the formula. We believe that this matter raises questions of fact and law and should be investigated during the course of the hearing ordered below. In addition, we find that the design of AP&L's fuel clause raises questions which should be investigated at the hearing. As a result, the Missouri Cities' request for summary rejection of the use of a two month lag for fuel adjustment computations will be denied as well.

The Missouri Cities have previously raised their *Mobile Sierra* Claims in AP&L's prior rate increase proceeding.[10] In that proceeding, Missouri Cities have been allowed to present extrinsic evidence relating to the contractual intent of the parties. No new arguments have been raised in the instant docket. We shall therefore make the determination of this issue subject to the outcome of the proceedings in Docket No. ER81-577-000.

Our preliminary examination of AP&L's filing and the pleadings indicates that, but for the settled rates, AP&L's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

The Commission explained its suspension policy in *West Texas Utilities Company*, Docket No. ER83-23-000, 18 FERC ¶ 61,189 (1982). As noted there, where our preliminary examination indicates that revised rates may be unjust and unreasonable, but may not be substantially excessive as defined in *West Texas*, we will ordinarily suspend the rates for one day. However, where it appears that the rates may be substantially excessive, we will suspend for the maximum period.

Our review of the settlement rates applicable to the Arkansas customers indicates that the proposed rates are cost justified. However, the January 24, 1983 Settlement Agreement provides for a one day suspension of the rates to afford an opportunity for refunds in the event that lower retail rates are approved by the APSC. Furthermore, the affected customers have supported a one day suspension in their motion to intervene. Under these circumstances and consistent with prior Commission treatment of settled rates for the Arkansas customers, we shall accept the settlement rates to the Arkansas customers for filing and suspend them for one day, without a hearing, to become effective as provided in the settlement on the date of approval of the company's proposed increased retail rates or such time as AP&L implements increased retail rates subject to refund, whichever date is earlier. In addition, the January 24, 1983 Settlement Agreement provides that the wholesale rates proposed in the instant submittal will be reduced proportionately in the event that retail rates lower than AP&L's originally proposed retail rates become effective, in order to maintain parity between AP&L's wholesale and retail rate increases. This procedure has been followed as to AP&L's prior rate increases in Docket Nos. ER77-278-000, ER79-339-000, ER80-713-000, and ER81-577-000. AP&L is hereby advised that any reduction in the wholesale rates must be filed with the Commission pursuant to section 35.13 of the regulations and AP&L shall inform the Commission of the date on which AP&L's retail rate increase becomes effective.

Our review further indicates that the proposed rates to Missouri Utilities (MU) may produce substantially excessive revenues. Under these circumstances, we shall suspend the rates applicable to that customer for five months from 60 days after filing to become effective on September 3, 1983, subject to refund. However, with respect to the proposed rates to the Missouri Cities of Campbell and Thayer, it appears that the proposed rates may not yield substantially excessive revenues.[11]

---

[6] *See Municipal Light Boards of Reading and Wakefield, Massachusetts, v. FPC*, 450 F.2d 1314 (D.C. Cir. 1971).

[7] This is consistent with our instructions to AP&L in *Arkansas Power and Light Company*, Docket No. ER81-577-000, 16 FERC ¶ 61,150 at 61,341 (1981).

[8] By letter order dated October 21, 1981, in Docket No. ER80-713-000, the Commission accepted AP&L's wholesale rates which first reflected a separate decommissioning provision. The provision was designed to separately bill AP&L's customers for its then-current decommissioning expenses as determined by formula on May 1 of each year. AP&L was advised in the letter order that any change in this charge should be filed a change in rate schedule under Part 35 of the regulations. In Docket No. ER82-180-000, AP&L's filed for an increase in wholesale rates to reflect an increase in the decommissioning charge from .06 mill/kWh to .114 mill/kWh. AP&L treats this item separately and does not propose to increase the decommissioning charge in the instant filing.

[9] AP&L's present fuel adjustment clause provides that the cost of nuclear fuel will include a negative salvage value to be determined in accordance with the Negative Salvage Nuclear Fuel Revenue Requirement Model prescribed by the APSC's Order No. 16 in Docket No. U-2972 (Revenue Model).

[10] Docket No. ER81-577-000, 16 FERC ¶61,150 (1981). Therein, we concluded that the plain language of the contracts would allow unilateral rate changes, but that further evidence on the question of the parties' intent appeared to be warranted.

[11] our review indicates substantially disparate earned rates of return from the Missouri customers.

As a result, we shall suspend the rates as applied to these customers for one day from 60 days filing to become effective on April 4, 1983, subject to refund.

In light of Missouri Cities' price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339-000, 8 FERC ¶ 61,131 (1979).[12]

Finally, we note that AP&L's proposed fuel adjustment clause incorporated in the settlement rates does not comply with section 35.14 of the Commission's regulations. However, it is identical to that fuel clause used for AP&L's retail service. The settlement agreement with the Arkansas customers provide that AP&L's wholesale fuel clause will track the fuel clause approved for retail service to maintain the bargained parity between the wholesale and retail rates. As we have done in prior orders applicable to the Arkansas customers, we shall grant waiver of the section 35.14 fuel clause requirements and accept the proposed fuel clause for service to the Arkansas customers. It is further noted that the settlement agreement provides for AP&L to file a revised fuel clause with the Commission if a change in the retail fuel clause is ordered by the APSC.

The Commission orders:

(A) The Missouri cities' motions for rejection of AP&L's filing or for summary disposition are herby denied.

(B) AP&L is hereby granted waiver of the section 35.14 fuel clause requirements with regard to the fuel clause provision in the settlement rates applicable to the Arkansas customers.

(C) AP&L's proposed settlement rates to the Arkansas customers are hereby accepted for filing and suspended for one day to become effective subject to proportionate reduction and refunds based on the retail rates as provided in the settlement; such settlement rates shall become effective on the earlier of the date of approval of the company's pending retail rate increase in Docket No. 82-314-U or the date on which AP&L implements increased retail rates, subject to refund. AP&L shall notify the Commission of the date on which its retail rates become effective within fifteen (15) days of such date.

(D) AP&L's proposed rates to the Missouri Cities and to Missouri Utilities are hereby accepted for filing and suspended for one day with respect to the Missouri Cities and five months with respect to Missouri Utilities, to become effective, subject to refund, on April 4, 1983, and September 3, 1983, respectively.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of AP&L's rates to the Missouri customers.

(F) The Commission staff shall serve top sheets in this proceeding on or before April 11, 1983.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(H) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT A—ARKANSAS POWER & LIGHT COMPANY RATE SCHEDULES DESIGNATIONS, DOCKET NO. ER83-297-000

Designation	Customers	Descriptions
(1) Supplement No. 19 to rate schedule FPC No. 45.	Farmers Electric Cooperative Corp.	Settlement agreement.
(2) Supplement No. 20 to rate schedule FPC No. 45 (supersedes supplement No. 18 as supplemented).	do	Rate schedule WA 83S.
(3) Supplement No. 17 to rate schedule FPC No. 49.	City of North Little Rock, Ark.	Settlement agreement.
(4) Supplement No. 18 to rate schedule FPC No. 49 (supersedes supplement No. 16 as supplemented).	do	Rate schedule WA 83S.
(5) Supplement No. 14 to rate schedule FPC No. 56.	City of Prescott, Ark.	Settlement agreement.
(6) Supplement No. 15 to rate schedule FPC No. 56 (supersedes supplement No. 13 as supplemented).	do	Rate schedule WA 83S.
(7) Supplement No. 15 to rate schedule FPC No. 60.	Benton Municipal Light and Waterworks.	Settlement agreement.
(8) Supplement No. 16 to rate schedule FPC No. 60 (supersedes supplement No. 14 as supplemented).	do	Rate schedule WA 83S.
(9) Supplement No. 11 to rate schedule FPC No. 62.	North Arkansas Electric Cooperative, Inc.	Settlement agreement.
(10) Supplement No. 12 to rate schedule FPC No. 62 (supersedes supplement No. 10 as supplemented).	do	Rate schedule WA 83S.
(11) Supplement No. 9 to rate schedule FERC No. 85 (supersedes supplement No. 7 as supplemented).	Missouri Utilities Co.	Rate schedule MU 83.
(12) Supplement No. 7 to rate schedule FERC No. 90 (supersedes supplement No. 5 as supplemented).	City of Campbell, Mo.	Rate schedule C83.
(13) Supplement No. 7 to rate schedule FERC No. 86 (supersedes supplement No. 5 as supplemented).	City of Thayer, Mo.	Rate schedule T83.

[FR Doc. 83-9370 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-298-000]

Centel Corporation, Western Power Division; Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Request for Summary Disposition, and Establishing Hearing and Price Squeeze Procedures

Issued: April 1, 1983.

On February 1, 1983, Centel Corporation, Western Power Division

[12] We are not persuaded from the arguments before us that we should depart from the established phasing practice at this time. However, with respect to the Missouri Cities' request that the phasing issue be left to the discretion of the presiding judge, we note that our existing price squeeze procedures permit the judge to depart from the phased schedule for good cause shown. (*See* Ordering paragraph (H), *infra*). We add, however, that we would expect such a ruling only in extraordinary circumstances.

(Centel) tendered for filing increased rates for full requirements service to 22 customers, partial requirements service to 11 customers, and transmission service to one customer.[1] The proposed rates would increase revenues by approximately $2.3 million (11.95%) for the twelve months ending June 30, 1984. Centel requests that the proposed rates become effective on April 2, 1983

Notice of the filing was published in the **Federal Register** with comments due by February 24, 1983. On February 24, 1983, the Kansas Municipal Group (KMG) [2] filed a timely protest and motion to intervene. KMG raises various cost of service and rate base issues,[3] alleges that the proposed rate is discriminatory and will create a price squeeze, and requests a five month suspension.

Also on February 24, 1983, Centel's REA cooperative customers (Cooperatives) [4] and the Kansas Electric Power Cooperative, Inc., (KEPCo) [5] jointly filed a protest, motion to intervene, motion for a maximum suspension, and request for initiation of price squeeze procedures. In support of their motion for maximum suspension, the Cooperatives and KEPCo contend that Centel's cost of service requires numerous adjustments.[6] They also urge that Centel's accumulated deferred income taxes related to deferred maintenance be summarily excluded from rate base.

Midwest Energy, Inc. (Midwest) also filed a protest, motion to intervene, and request for a maximum suspension on February 24, 1983. Midwest contends that a significant portion of Centel's requested increase results from an arbitrary assignment of equity capital from Centel's parent, Centel Corporation. Midwest asserts that this projected increase in Centel's equity ratio unreasonably escalates Centel's total cost of service.

[1] *See* Attachment A for customers and rate schedule designations.

[2] KMG is a group consisting of Centel's full requirements municipal customers and eight of Centel's ten partial requirements municipal customers.

[3] These issues include: (1) Increases in Period II operating expenses, particularly wages and salaries; (2) stated demand and energy projections; (3) reserve margins; (4) off-system sales revenue credits; (5) stated Transmission losses from the Jeffrey Energy Center; (6) claimed coal-related fuel stocks and cash working capital allowance; (7) calculation of income tax normalization; and (8) claimed return on common equity.

[4] Centel's REA cooperative customers include: Ark Valley Electric Cooperative Association, Inc.; C.M.S. Electric Cooperative Association, Inc.; Jewell-Mitchell Cooperative Electric Company, Inc.; N.C.K. Electric Cooperative, Inc., Ninnescah Rural Electric Cooperative Association, Inc.; Norton-Decatur Cooperative Electric Company, Inc.; Smoky Hill Electric Cooperative Association, Inc.; Sumner-Cowley Electric Cooperative, Inc.; and Victory Electric Cooperative Association, Inc.

[5] The REA cooperative customers purchase partial requirements service from Centel. They are all members of KEPCo, which purchases transmission service from Centel.

[6] The Cooperatives and KEPCo address all of the issues raised by KMG, and additionally contest Centels' rate case expense.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure, the unopposed motions of KMG, the Cooperatives, and KEPCo serve to make them parties to this proceeding.

With respect to Centel's proposed rate base inclusion of deferred income taxes related to deferred maintenance, we believe that this issue raises questins of law and fact which are best resolved on the basis of an evidentiary hearing. We shall therefore deny the request for summary disposition as to this issue.

Our review of Centel's submittal and the pleadings indicates that the proposed rates have not been shown to be just and reasonable, and may be unujst, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. We shall therefore accept Centel's rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), we explained the Commission's suspension policy and noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed rates may be unjust and unreasonable but may not produce substantially excessive revenues, as defined in *West Texas*. Because our review suggests that Centel's proposed increase may not yield substantially excessive revenues, we shall suspend the rates for one day from 60 days after filing, to become effective, subject to refund, on April 4, 1983.

In light of the intervenors' price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339-000, 8 FERC ¶ 61,131 (1979).

The Commission orders:

(A) The Cooperatives' and KEPCo's request for summary disposition is hereby denied.

(B) Centel's proposed rates are hereby accepted for filing and suspended for one day from 60 days after filing, to become effective, subject to refund, on April 4, 1983.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of Centel's rates.

(D) The Commission staff shall serve top sheets in this proceeding on or before April 6, 1983.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT A—CENTEL RATE SCHEDULE DESIGNATIONS DOCKET NO. ER83-298-000

Other party	Designation	Superseded
I. Municipal Wholesale Customers Rate 83-MWh-5		
1. Cawker City	Supplement No. 8 to rate schedule FERC No. 87.	Supplement No. 7.
2. Cimarron	Supplement No. 8 to rate schedule FPC No. 98.	Do.
3. Coats	Supplement No. 8 to rate schedule FERC No. 88.	Do.

ATTACHMENT A—CENTEL RATE SCHEDULE DESIGNATIONS DOCKET NO. ER83-298-000—Continued

Other party	Designation	Superseded
4. Glasco	Supplement No. 8 to rate schedule FERC No. 97.	Do.
5. Glen Elder	Supplement No. 8 to rate schedule FERC No. 89.	Do.
6. Holyrood	Supplement No. 8 to rate schedule FERC No. 90.	Do.
7. Isabel	Supplement No. 8 to rate schedule FERC No. 91.	Do.
8. Lucas	Supplement No. 8 to rate schedule FERC No. 93.	Do.
9. Luray	Supplement No. 8 to rate schedule FERC No. 94.	Do.
10. Mankato	Supplement No. 8 to rate schedule FERC No. 95.	Do.
11. Montezuma.	Supplement No. 13 to rate schedule FPC No. 70.	Supplement No. 12.
12. Tipton	Supplement No. 8 to rate schedule FERC No. 96.	Supplement No. 7.
II. Interconnected Municipal Wholesale Rate 83-A-1		
1. Anthony	Supplement No. 20 to rate schedule FPC No. 59.	Supplement No. 18.
2. Attica	Supplement No. 17 to rate schedule FPC No. 84.	Supplement No. 15.
3. Beloit	Supplement No. 18 to rate schedule FPC No. 60.	Supplement No. 16.
4. Hoisington	Supplement No. 20 to rate schedule FPC No. 57.	Supplement No. 18.
5. Kingman	Supplement No. 22 to rate schedule FPC No. 58.	Supplement No. 20.
6. Pratt	Supplement No. 21 to rate schedule FPC No. 34.	Supplement No. 19.
7. Russell	Supplement No. 20 to rate schedule FPC No. 41.	Supplement No. 18.
8. Washington	Supplement No. 20 to rate schedule FPC No. 56.	Do.
9. Osborne	Supplement No. 13 to rate schedule FPC No. 86.	Supplement No. 11.
10. Stockton	Supplement No. 11 to rate schedule FERC No. 99.	Supplement No. 9.
III. Rural Electric Cooperatives Rate 83-CWh-2		
1. Ark Valley	Supplement No. 14 to rate schedule FPC No. 74.	Supplement No. 13.
2. C. M. S.	Supplement No. 17 to rate schedule FPC No. 75.	Supplement No. 16.
3. C & W	Supplement No. 14 to rate schedule FPC No. 76.	Supplement No. 13.
4. Jewell-Mitchell.	Supplement No. 15 to rate schedule FPC No. 77.	Supplement No. 14.
5. N.C. K.	Supplement No. 15 to rate schedule FPC No. 78.	Do.
6. Ninnescah	Supplement No. 14 to rate schedule FPC No. 79.	Supplement No. 13.
7. Norton-Decatur.	Supplement No. 13 to rate schedule FPC No. 80.	Supplement No. 12.
8. Smoky-Hill	Supplement No. 13 to rate schedule FPC No. 81.	Do.
9. Sumner-Cowley.	Supplement No. 14 to rate schedule FPC No. 82.	Supplement No. 13.
10. Victory	Supplement No. 15 to rate schedule FPC No. 83.	Supplement No. 14.
IV Service Schedule 83-A		
Midwest Energy Inc.	Supplement No. 19 to rate schedule FPC No. 35 (Supersedes Supplement No. 18).	
V. Rate Schedule 83-TSv-1		
Kansas Electric Power Cooperative.	Rate Schedule FERC No. 108 (supersedes rate schedule FERC No. 105, as supplemented).	Rate schedule 83-TSv-1.
	Supplement No. 1 to rate schedule FERC No. 108.	Appendix A.
	Supplement No. 2 to rate schedule FERC No. 108.	Appendix B.
	Supplement No. 3 to rate schedule FERC No. 108.	Appendix C.

[FR Doc 83-9371 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA83-1-22-002; (PGA83-1) (IPR83-1) (AP83-1)]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

April 1, 1983.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on March 28, 1983, filed a substitute tariff sheet pursuant to the Commisssion's February 28, 1983, order in this proceeding and to make effective a voluntary reduction in rates of $19.2 million to reflect recent decreases in rates from Consolidated's pipeline suppliers. The revisions, shown on Substitute Thirty-Third Revised Sheet No. 16 represent adjustments to Consolidated's semi-annual PGA and would become effective on March 1, 1983.

Consolidated's substitute tariff sheet reflects the elimination of concurrent exchange transactions as required by Ordering Paragraph (G)(2) of the Commission's February 28, 1983 order. Consolidated also filed in support of its March 1, 1983, PGA a revised Appendix B which, it is stated, substantially complies with the Commission's requirement to refile such data in the form required by Exhibit A of Order No. 452. (Ordering Paragraph (G)(1) of the February 28th order.)

Consolidated states that the voluntary PGA rate reduction to reflect recent PGA rates from two of its pipeline suppliers would, if accepted, reduce RQ commodity rates by 8.56¢/Dt.

Consolidated states that the rates contained on Subsitute Thirty-Third Revised Sheet No. 16 reflect old pipeline production (production from wells drilled prior to January 1, 1973, on leases acquired prior to October 8, 1969) on a cost-of-service basis and new pipeline production priced pursuant to the Natural Gas Policy Act of 1978, in accordance with Article V of the Stipulation and Agreement in Docket No. RP82-115 dated December 29, 1982. The settlement treatment of old pipeline production is without prejudice to Consolidated's right to receive first sale treatment for such production should the Supreme Court uphold the U.S. Court of Appeals for the Fifth Circuit's decision in *Mid-Louisiana Gas Company* v. *FERC*, 664 F 2d. 530 (1981).

Copies of the filing were served upon Consolidated's jurisdictional customers as well as interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9372 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2520-000]

Great Northern Nekoosa Corp.; Expiration of License

April 1, 1983.

Take notice that the license for the Mattaceunk Project No. 2520 will expire on December 31, 1987. The project is located on the Penobscot River in Penobscot, Maine and licensed to the Great Northern Nekoosa Corporation.

The principal project works currently licensed for Project No. 2520 are: a storage dam, a powerhouse containing four generating units with an installed capacity of 19,200 KW, and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a-825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or

recommend that the United States acquire the project.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-9373 Filed 4-8-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP83-61-000]

Midwestern Gas Transmission Company; Proposed Tariff Sheets

April 1, 1983.

Take notice that on March 24, 1983, Midwestern Gas Transmission Company (Midwestern) submitted for filing the following tariff sheets to Original Volume No. 1 of its FERC Gas Tariff:

First Revised Sheet No. 85A
Third Revised Sheet No. 85

Midwestern states that this filing is to implement revisions to the late payment provisions applicable to the Minimum Annual Gas Charge under Rate Schedule CD-2 applicable to Midwestern's Northern System under which Michigan Wisconsin Pipe Line Company purchases natural gas from Midwestern. Midwestern proposes that these changes become effective December 25, 1982.

Midwestern requests that the Commission grant any waivers it deems necessary for acceptance of this filing.

Midwestern states that copies of the filing were mailed to all customers and affected state regulatory commissions and are available for public inspection during regular business hours at Midwestern's offices in the 1100 Milam Building, Houston, Texas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-9374 Filed 4-8-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA83-1-26-001 (PGA83-1, IPR83-1)]

Natural Gas Pipeline Company of America; Changes in Rates

April 1, 1983.

Take notice that on March 28, 1983, Natural Gas Pipeline Company of America (Natural) submitted for filing Second Substitute Forty-ninth Revised Sheet No. 5 to be part of its FERC Gas Tariff, Third Revised Volume No. 1.

Natural states the purpose of this filing was to implement an 8.95¢ per Mcf decrease in the PGA unit adjustment effective March 1, 1983. Natural states the proposed decrease is in addition to the PGA reduction of .26¢ per Mcf filed concurrently in compliance with the Commission order issued February 28, 1983, in Docket No. TA83-1-26 (PGA83-1, IRP83-1).

Natural requests any additional waivers of the Commission's regulations to the extent, if any, required to put the proposed tariff sheets into effect on March 1, 1983. Further, due to the nature of the proposed reduction and the benefits it will provide its customers Natural has requested that the notice period for motion or protest of this filing be shortened.

A copy of this filing has been mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of Rules 211 and 214 or the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-9375 Filed 4-8-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA83-1-26-002 (PGA83-1, IPR83-1)]

Natural Gas Pipeline Company of America; Compliance Filing

April 1, 1983.

Take notice that on March 28, 1983, Natural Gas Pipeline Company of America (Natural) submitted for filing, in compliance with the Commission Order issued February 28, 1983, Substitute Forty-ninth Revised Sheet No. 5 to be a part of its FERC Gas Tariff, Third Revised Volume No. 1.

Natural states that the purpose of this revised tariff sheet is to reduce Natural's PGA unit adjustment by 0.26 cents per Mcf,[1] to be effective March 1, 1983, to give effect to the requirements of Ordering Paragraph (B) of the above-referenced order. This adjustment reflects (1) a 0.01 cent per Mcf decrease to correct entries to Account No. 191 for interest received, and (2) a 0.25 cent per Mcf decrease to give effect to the removal of Pro Gas purchases from the current unit adjustment. Also, pursuant to Ordering Paragraph (C), data is submitted in supported of Natural's inclusion of a $1,219,696 entry to Account No. 191.

On March 11, 1983, the Presiding Administrative Law Judge certified an uncontested interim settlement in Natural's Docket Nos. RP82-62-005 and RP83-15-001. If approved, a seven cents per Mcf reduction in Natural's sales commodity rates would become effective retroactively to October 1, 1982. Billing of the reduced sales rates would start as of the first of the month in which the Commission issues an order approving the interim settlement. Therefore, Natural includes in the filing an alternate revised tariff sheet (Alternate Substitute Forty-ninth Revised Sheet No. 5) which includes not only the above compliance revisions, but also reflects the seven cents decrease in the Base Commodity sales rates. The intent of this alternative is to permit the Commission to make effective rates which reflect the interim rate reduction when the latter is approved.

Natural requests that the Commission's regulations be waived to the extent necessary to effectuate the requests contained in the filing.

A copy of this filing was mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or

[1] Concurrently with this filing, Natural is submitted under separate cover an additional reduction to be effective March 1, 1983, in the amount of 8.95 cents per Mcf.

protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9376 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-60-000]

Northwest Central Pipeline Co.; Petition for Use of State-Federal Joint Board

April 1, 1983.

Take notice that on March 8, 1983, the Kansas State Corporation Commission (KCC) submitted for filing, pursuant to Section 17 of the Natural Gas Act, 15 U.S.C. ¶ 717, a petition for creation of a State-Federal Joint Board for the purpsoe of conducting an investigation of the matter of Northwest Central Pipeline Company (Northwest Central) purchasing practices.

The KCC submits that there is no one regulatory body with authority or jurisdiction over the entire natural gas system. Prices at the wellhead are set principally by federal statute, rates of pipeline companies are determined principally by the Federal Energy Regulatory Commission, and rates of distribuiton companies to the end consumer are established by state authority. Clearly, the KCC states, no one agency can address the entire question of Northwest Central's purchasing practices and possibly Congressional action will be required. KCC states that the need for consistent regulatory treatment from producer through pipeline to the final distribution level will require a cooperative effort between state and federal regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9377 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-78-002 et al.]

Northwest Central Pipeline Corporation, et al.; Filing of Pipeline Refund Reports and Refund Plans

April 1, 1983.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 15, 1983. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
Mar. 16, 1983	Northwest Central Pipeline Corporation	RP81-78-002	Report.
Do.	U-T Offshore System	RP81-20-004	Report.
Mar. 17, 1983	Texas Eastern Transmission Corporation	RP74-41-026	Report.
Mar. 25, 1983	Algonquin Gas Transmission Company	RP72-110-028	Report.

[FR Doc. 83-9378 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-41-001 and Rate Schedule SGS-1]

Northwest Pipeline Corp.; Proposed Changes in Service Agreements

April 1, 1983.

Take notice that on March 29, 1983, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance Exercises of Options to two of its Service Agreements pertaining to service under Rate Schedule SGS-1 of its FERC Gas Tariff First Revised Volume No. 1:

(a) Proposed Exercise of Storage Option Provided by Section 10 of Rate Schedule SGS-1 between Northwest and CP National Corporation dated January 31, 1983.

(b) Proposed Exercise of Storage Option Provided by Section 10 of Rate Schedule SGS-1 between Northwest and Northwest Natural Gas Company dated January 31, 1983.

As more fully explained in a tariff filing dated December 30, 1982 at Docket No. RP82-56-005, which was subsequently changed to Docket RP83-41-000, Northwest has proposed certain changes to its Rate Schedule SGS-1. The proposed new Section 10 of the rate schedule would allow Northwest's SGS-1 customers the option to purchase gas during the injection period and have such gas stored for their account. The above referenced Exercises of Options reflect those customers' decision to exercise the proposed option.

Northwest requests an effective date of May 1, 1983 for these Service Agreement additions which is the requested effective date of the proposed changes to Rate Schedule SGS-1 filed December 30, 1982.

Copies of this filing have been served on CP National Corporation, Northwest Natural Gas Company and all parties of record at Docket No. RP82-56-000.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR Parts 211, 214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public convenience.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9379 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-400-000]

Pennsylvania Power and Light Company; Order Accepting Agreement for Filing, Granting Interventions, Denying Motion to Reject, Rejecting Notice of Withdrawal, and Waiving Notice Requirements

Issued April 1, 1983.

On April 3, 1981, as completed on March 1, 1983, Pennsylvania Power and Light Company (PP&L) submitted for filing an agreement with Atlantic City Electric Company (AC), dated September 24 1979.[1] The agreement provides for PP&L's sale to AC of 5.94% of the capacity and associated energy from PP&L's Susquehanna Steam Electric Station Units Nos. 1 & 2.[2] PP&L requests waiver of the notice requirements to allow the filing to become effective upon commercial operation of the Susquehanna Station.[3]

By letter dated November 6, 1981, the Commission staff scheduled a conference and provided a list of areas in which further information was needed.[4] Subsequently, by letter dated February 17, 1983, PP&L was directed to revise the income tax calculation of its proposed agreement.[5] In response to that letter, additional data were filed on March 1, 1983, which completed the filing.

The agreement would become effective as of the date on which the first unit becomes commercially operational and would extend through September 30, 1991. Under the agreement, AC will be billed monthly for its pro rata share of the fixed costs associated with the Susquehanna Station consisting of depreciation, taxes, operation and maintenance expenses, and a rate of return incorporating a 13.5% equity return allowance.[6] A similar formulary rate is used for assessing applicable transmission charges. In addition, AC will pay its pro rata share of monthly fuel expenses.

Notice of PP&L's original submittal was published in the **Federal Register** with comments due on or before May 1, 1981. On November 29, 1981, the Public Advocate of New Jersey (Advocate) filed an untimely petition to intervene. On February 24, 1983, the New Jersey Board of Public Utilities (Board) filed an untimely motion to intervene. PP&L filed answers to both pleadings opposing the granting of late intervention. On March 14, 1983, approximately two weeks before the anticipated in-service date of the Susquehanna Unit (*i.e.*, the proposed effective date), Advocate filed a motion to reject PP&L's filing for failure to comply with the Commission's regulations, raising for the first time the contention that the instant submittal is deficient with respect to the Commission's filing requirements.

Advocate's 1981 petition to intervene argued that Advocate had good cause to intervene out of time on the grounds that it had no notice of the filing, that it was unable to obtain sufficient information to analyze the filing, that hearings were being held before the New Jersey Board of Public Utilities on AC's purchase of this power, and that conditions had changed since the filing. Advocate alleged that the following circumstances had changed: (1) AC may no longer need the capacity; (2) the economics of the transaction are no longer attractive to AC's customers; and (3) the estimates of the costs of the plants have increased. Advocate requested that the Commission investigate the reasonableness of the contract and hold hearings as required.

The Board also stated that it had good cause to intervene out of time because the contract was filed at an unusually early date. The Board did not object to the proposed rates and did not request that this Commission institute a hearing. However, the Board stated that it was planning to hold hearings on AC's capacity expansion plans, including the subject purchase. It further stated that, as a preliminary finding in a rate case pending before it, the Board held that there was sufficient evidence to doubt whether AC capacity purchase plans were economical, and that the Board would determine whether the subject purchase is injurious to the ratepayers of AC. The Board requested that the Commission postpone consideration of PP&L's filing until the Board's investigation was complete.

PP&L opposed both requests to intervene out of time because: (1) publication in the **Federal Register** provided sufficient notice; (2) PP&L served a copy of the filing on the Board; (3) Advocate and the Board waited 19 months and 22 months, respectively, to intervene; (4) changed circumstances do not justify late intervention; and (5) PP&L would be prejudiced by granting late intervention because PP&L filed to increase its retail rates and the level of such increase assumes that PP&L will sell capacity and energy to AC in accordance with PP&L's filing. In addition, PP&L opposed deferring consideration of its filing pending completion of the Board's hearings. PP&L argued that the Board has had two years notice of the contract in which to conduct hearings, that this Commission has exclusive jurisdiction over the proposed contract between PP&L and AC, and that such deferral would prejudice PP&L since its retail rate filings assume that PP&L will make the proposed sale to AC.

In its recent motion to reject, Advocate stated that the filing does not contain required revenue projections, billing determinants, comparisons with other rates or similar service, or rate design information. It further contended that PP&L's calculations are based on stale data, particularly with respect to the cost of the units, the cost of capital, diesel fuel, future capitalized repairs, and the capital structure. Advocate also argued that PP&L's filing incorrectly calculates depreciation expenses, stating that depreciation expense should be calculated from July 17, 1982, the date the Nuclear Regulatory Commission issued the operating license rather than on the basis of the useful life of the unit. In addition, Advocate contended that four areas of additional information requested in the staff's November 6, 1981 letter have not been addressed by PP&L.[7] Finally, Advocate argued that

[1] See Attachment A for rate schedule designations.

[2] The Susquehanna Station consists of two 1050 MW nuclear generating units. AC's 5.94% interest corresponds to 6.6% of PP&L's 90% share of the two units and equates to approximately 125 MW.

[3] It is currently estimated that Unit No. 1 of the Susquehanna Station will be placed in commercial operation on or about April 4, 1983.

[4] As a result of the conference, PP&L agreed to revise the capacity and energy sales agreement and resubmit it to the Commission. PP&L prepared a draft for review by AC. AC apparently declined to execute the revised agreement, so the original executed agreement is before the Commission.

[5] The February 17, 1983 letter advised PP&L to revise the filing to: (1) include a rate base offset for the accumulated provision for deferred taxes associated with the difference between production plant tax-book base differences, (2) reflect a provision for taxes deferred in prior years (related to base differences) in the development of the production related income tax allowance, (3) reflect a provision for deferred taxes, a ratable amortization of investment tax credits, and a provision for taxes deferred in prior years in the computation of the transmission related income tax allowance, and (4) reflect a rate base offset for transmission related accumulated deferred income taxes.

[6] The capital structure will be determined as of the end of the year preceeding the billing month.

[7] These matters include: (1) common plant allocation; (2) development of transmission demand allocator; (3) treatment of nuclear plant decommissioning costs; and (4) treatment of nuclear fuel disposal costs.

PP&L should have updated its filing to reflect the impact of the recently enacted Nuclear Waste Policy Act of 1982, which requires payment of 1.0 mill/kWh charge for all generation after April 7, 1983.

On March 28, 1983, AC notified the Commission of an order issued on March 25, 1983, by the Board. In that order,[8] the Board found: (1) that the results of AC's 1982 fall load forecast indicating a 1.6% annual growth rate in peak demand and a 1.9% annual growth rate in sales are reasonable and should be used as the basis for AC's capacity expansion plan; (2) that AC does not need the Susquehanna capacity purchase in order to meet its reserve obligations and/or to enable it to render safe, adequate, and proper service; (3) that the most economic capacity expansion plan for AC is one which does not include the Susquehanna purchase; and (4) that current economics indicate that advancing and/or extending the purchase of capacity and energy from Public Service Electric and Gas Company's Burlington Unit #6 is desirable. The Board concluded that, since the Susquehanna purchase is unneeded and uneconomic, it is unjust and unreasonable to allow AC to recover its costs under the Susquehanna Agreement in rates. In addition, the Board found that the adverse financial implications to AC of having to bear the costs under the Susquehanna Agreement will pose a serious threat to AC's ability to provide safe, adequate, and proper service at just and reasonable rates and that the agreement is therefore contrary to the public interest. The Board, based on those findings, "disapproved" the Susquehanna Agreement. The Board further directed AC to withdraw its certificate of concurrence with the Susquehanna Agreement in the proceeding before the Commission.

On March 28, 1983, AC also filed a notice of withdrawal of its certificate of concurrence in PP&L's proposed rate filing. On March 29, 1983, the Board amended its petition to intervene, notifyng the Commission of the findings and conclusions in the Board's order.

On March 29, 1983, PP&L filed a response to the Advocate's motion to reject its filing, again asserting that Advocate should not be a party to the case and requesting that Advocate's motion be denied. PP&L also stated that the disapproval of the agreement by the Board infringes upon this Commission's exclusive jurisdiction over the agreement between PP&L and AC.

[8] *In the Matter of Atlantic City Electric Company Increasing Its Rates for Electric Service (Phase II)*, Decision and Order, BPU Docket No. 822-116.

On the same day, AC filed a copy of a notice of termination of the agreement. The notice asserts that the agreement states that it is effective subject to receipt of necessary governmental regulatory approvals or the taking of necessary governmental action and that the Board's disapproval of the agreement has caused the agreement to be terminated by virtue of a failure to obtain necessary and required regulatory approval. On March 30, 1983, PP&L filed a letter with the Commission which argued that the bases upon which AC believes it may terminate the agreement with PP&L are legally insufficient.

Discussion

Initially, we find that participation by Advocate and the Board in this docket may be in the public interest. The reasons offered for the late filing appear adequate under the circumstances of this case, especially since PP&L filed its contract at least two years before its effective date and filed additional materials as recently as March 1, 1983. Particularly in view of Advocate's capacity as a representative under State law of New Jersey customers and the Board's regulatory responsibilities, we find that good cause exists to grant the untimely requests to intervene. Accordingly, Advocate and the Board will be granted intervenor status.

Before considering the merits of PP&L's filing and the other pleadings, it is appropriate to comment on the relationship between the proceeding before the Board and the matter before us. The agreement before us is for a sale at wholesale in interstate commerce subject to our exclusive jurisdiction. While the Board has authority to evaluate the prudence of AC's purchase in retail rate proceedings, it does not have the authority to disapprove PP&L's contract with AC. The Commission's exclusive jurisdiction over such contracts was recently reaffirmed in *Utah* v. *FERC*, 691 F. 2d 444 (10th Cir. 1982). Because we do not believe the Board had the authority to approve or disapprove the agreement, we also find that AC may not terminate its agreement because of a failure to secure necessary governmental approvals. We believe that the reference to "necessary governmental regulatory approvals" in Article II of the agreement refers to the regulatory approvals listed in Article XIII. The latter article specifically lists approval or acceptance for filing by this Commission as a condition precedent to the parties' obligations under the agreement. It also states that both parties shall undertake to procure approval or acceptance for filing "of any and all regulatory agencies which may have jurisdiction or authority over the transactions set forth in this Agreement." Since this Commission has exclusive jurisdiction over the transactions governed by the agreement, the parties cannot have intended to make State commission approval a condition precedent to their obligations under the agreement. Likewise, Article XIII provides that PP&L agrees to file the agreement promptly with this Commission, to request its acceptance for filing, and to seek waiver of notice. AC, in turn, has agreed to make available for filing a Certificate of Concurrence and to support the agreement before this Commission. It is clear that if State commission approval of the purchase were considered a condition precedent to the obligations under the contract, similar provisions regarding the prompt seeking of such approval would have been included also. In any event, as noted, the State commission can neither approve nor disapprove an agreement subject to this Commission's exclusive jurisdiction, so approval of the purchase could not be considered "necessary" unless it had been specifically bargained for in the agreement.

We next turn to AC's notice of withdrawal of its certificate of concurrence in PP&L's proposed filing. We note that, under the capacity and energy sales agreement, AC agreed to supply, without charge to PP&L, energy from energy sources designated by AC to either the Susquehanna Unit Nos. 1 and 2 (Article V). AC further agreed to execute a certificate of concurrence to PP&L's filing (Article XIII). AC's notice is inconsistent with these contractual obligations. Moreover, AC was required by § 35.1 of the Commission's Regulations to file such a certificate of concurrence since it is supplying energy under the agreement. The Courts have recognized that a utility has a statutory obligation to file a contract setting rates, and the Commission is obligated to enforce this duty to file. 16 U.S.C. 824 (c) and (d); *Borough of Lansdale, Pa.* v. *FPC*, 494 F. 2d 1104, 1117 (D.C. Cir. 1974). The Board may not require AC to violate its statutory obligation under the Federal Power Act to file the certificate of concurrence. Therefore, we decline to accept the notice purporting to withdraw the certificate of concurrence.

With respect to Advocate's motion to reject, we first find that PP&L has supplied sufficient information to evaluate the filing. Concerning the data and comparisons purportedly omitted from PP&L's filing, we note that: (1) PP&L provides no similar service; (2)

PP&L has adequately supported its formulary rate design; (3) billing determinants are inappropriate in that the proposed formula provides that AC will be assessed a pro rata share of the actual costs of the units; and (4) revenue data provided by PP&L in its original submittal complied with applicable filing requirements. Second, PP&L's sample computations are relevant only in terms of illustrating the operation of its formulary rate. Therefore, Advocate's concern about the accuracy of PP&L's estimates is misplaced inasmuch as the formula will in fact track actual costs. Calculation of depreciation expense over the useful life of the facility is appropriate and consistent with Commission policy. Finally, with respect to the problem areas noted in the staff's November 6, 1981 letter, we find that PP&L has adequately explained its common plant and transmission demand methodology. Inasmuch as PP&L's submittal substantially complies with the Commission's filing requirements, Advocate's motion to reject will be denied.[9] However, with respect to spent nuclear fuel and decommissioning expenses, we take this opportunity to advise PP&L that (1) implementation of the decommissioning expense component will constitute a change in rate, requiring a timely filing with the Commission,[10] and (2) consistent with the recently enacted Nuclear Waste Policy Act of 1982, the appropriate nuclear fuel disposal charge to include in Account 518 fuel expense is 1.0 mill/kWh.

Based on our analysis of the filing, we find that the formula proposed by PP&L will not produce excessive revenues. Therefore, we find that it is appropriate to accept the submittal for filing without suspension or hearing. Since the agreement was executed in 1979 and since utilities need to engage in long range planning with agreements of this type, we also find good cause to waive the notice requirements.

We assume that, since the Board has issued its order concerning this agreement, there is no need to act on the Board's request to defer our consideration of PP&L's filing. In light of the Board's order, we wish to make clear that our decision to accept the agreement for filing is premised on the fact that the formula rate for this jurisdictional sale will not produce excessive revenues. Our decision is not, however, based on a determination that AC's purchase is prudent. As we stated under similar circumstances in an earlier case, *Philadelphia Electric Company*, Docket No. ER79-551, 15 FERC ¶ 61,264:

> Further, our decision to accept the contract rate and service arrangement is not predicated on a determination that, over the initial term of the contract, PE could have done no better selling to someone else, or that Jersey Central could have done no better buying from someone else, or that the transaction over this period will redound to the benefit of the retail and wholesale requirements customers of the two respective parties to the contract . . . we do not mean by this order to prejudge, for our own pusposes or those of the respective state commissions, a determination of the prudence of either party in entering into this transaction. 15 FERC ¶ 61,601.

However, we note that power supply arrangements are often negotiated on a long-term basis. It requires many years to build a generating plant and the building utility must be able to rely on long-term sales contracts in making its own capacity plans just as the purchasing utility must be able to rely on long-term contracts for stability of supply.[11] Demand forecasts may change dramatically and quickly, as we have seen in recent years. The prudence of a sales arrangement, therefore, should be judged on the circumstances prevailing at the time such a contract is entered into. If a State commission, this Commission, or a utility itself could release a party to a contract from its contractual commitments simply because the contract, based on hindsight and demand forecasts in later years, no longer appears economical, the utility industry would have no supply stability or reliable basis for constructing plant. We therefore suggest that evaluation of the prudence of a 1979 power contract on the basis of 1982 demand forecasts is neither fair nor appropriate. Thus, while we commend the New Jersey Board for its concern in protecting the ratepayers within its jurisdiction, we do not believe that this protection can be at the expense of Pennsylvania ratepayers and utilities. The latter are entitled to rely on the fact that New Jersey utilities will honor their contractual commitments to purchase capacity built at least partly to fulfill their contractual demand.

The Commission orders:

(A) Advocate's motion to reject PP&L's filing is hereby denied.

(B) AC's notice purporting to withdraw its certificate of concurrence in PP&L's filing is hereby rejected for the reasons set forth above.

(C) Waiver of the notice requirements is hereby granted.

(D) PP&L's submittal in this docket is hereby accepted for filing to become effective, without suspension, on the date of commercial operation of Susquehanna Unit No. 1. PP&L shall notify the Commission within fifteen (15) days of such commercial operation date.

(E) The requests to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure.

(F) Implementation of the decommissioning expense component or any change in the fixed components of the formula or in the formulary rate methodology will constitute a change in rate and will require timely filing pursuant to section 35.13 of the Commission's regulations accompanied by the appropriate data and computations showing the basis for the change in rates.

(G) In accordance with the Nuclear Waste Policy Act of 1982, the appropriate nuclear fuel disposal charge to include in Account No. 518 fuel expense is 1.0 mills/kWh.

(H) Docket No. ER81-400-000 is hereby terminated.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

RATE SCHEDULE DESIGNATIONS, DOCKET NO. ER81-400-000

Designations	Description
(1) *Pennsylvania Power & Light Company* Rate Schedule FERC No. 74.	Capacity and Energy Sale Agreement.
(2) Supplement No. 1 to Rate Schedule FERC No. 74.	Exhibit A.
(3) Supplement No. 2 to Rate Schedule FERC No. 74.	Exhibit B.
(4) Supplement No. 3 to Rate Schedule FERC No. 74.	Attachment B of March 1, 1983, filing.
(5) *Atlantic City Electric Company* Rate Schedule FERC No. 21 (Concurs in 1 above).	Certificate of Concurrence.

[FR Doc. 83-9380 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[9] *See Municipal Light Boards of Reading and Wakefield, Mass. v. FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

[10] We note that PP&L's most recent full requirements rate increase filing did not include the Susquehanna Station in rate base or the expenses associated with that unit. As a result, the Commission has not yet reviewed PP&L's nuclear plant decommissioning procedure applicable to the unit.

[11] *Cf. United Gas Pipeline Co. v. Mobile Gas Service Corp.*, 350 U.S. 332, 344; *Borough of Lansdale, supra*, 494 F. 2d at 1113.

[Docket No. ER83-299-000]

Public Service Company of New Mexico; Order Accepting Rates for Filing, Noting Interventions, Denying Requests for Rejection and Summary Disposition, and Establishing Price Squeeze and Hearing and Procedures

Issued: April 1, 1983.

On February 1, 1983, Public Service Company of New Mexico (PSNM) submitted for filing a proposed increase of approximately $11.7 million (12.0%) for the calendar 1983 test period, for service to four partial requirements customers [1] and one full requirements customer, the City of Gallup, New Mexico (Gallup).[2] PSNM's existing contract with Gallup provides that changes in rates for service up to 30 MW (Schedule A rates) may only become effective prospectively after a final Commission order. Additionally, Article V of a stipulation and agreement filed on May 7, 1982, in Docket No. ER82-1-000 (the Gallup Stipulation) provides that Gallup's Schedule A rates under that settlement will remain in effect from January 1, 1984, through March 31, 1985.[3] With respect to the increased Schedule A rates, PSNM requests that an investigation be initiated and that the rates become effective on the earlier of April 1, 1985, or the date of a final Commission order in this docket. As to the rates applicable to the remaining customers and to Gallup for service above 30 MW (Schedule B rates), PSNM requests that such rates become effective on April 2, 1983, but be suspended until August 1, 1983, pursuant to the Gallup Stipulation and another stipulation and agreement filed in Docket Nos. ER81-187-000 and ER82-1-000 (the Farmington Stipulation).[4]

Notice of PSNM's filing was published in the Federal Register, with responses due by February 24, 1983. TNP and DOE filed timely motions to intervene which raise no specific substantive issues. Timely motions to intervene were also filed by the Chino Mines Company (Chino) and Molycorp, Inc. (Molycorp), which do not raise any substantive issues. Neither Chino nor Molycorp is a customer of PSNM. However, they state that they purchase power from TNP and a member cooperative of Plains (Kit Carson Electric Cooperative), respectively, and therefore have an interest in the outcome of this proceeding.

A timely motion to intervene, protest, request for a maximum suspension and hearing was also filed by Plains. Plains' request for a maximum suspension and a hearing is based on a number of cost of service and allocation issues including allegations of excessive rate of return, failure to properly credit wholesale service for certain off-system sales, excessive pollution control CWIP in rate base, and excessive allocation of rate case expenses to wholesale customers.

Farmington and Gallup (the Cities) filed a timely protest, and motions to intervene, to reject, for summary disposition, for hearing, and for a maximum suspension. The motion to reject alleges (1) that PSNM has violated the Gallup and Farmington Stipulations as to when PSNM may file changes in rates, (2) that the filing violates the notice requirements of 18 CFR 35.3(a) because the effective dates of the rates to Gallup are more than 120 days after filing, and (3) that the filing fee submitted by PSNM is approximately 3.7 percent less than the Cities believe it should be under 18 CFR 36.2(g)(2)(iii). The request for a five month suspension is based on several cost of service issues, including rate of return, treatment of interest arbitrage from pollution control bond financing, coal costs, and treatment of certain contributions in aid of construction made by the Cities. As to the latter, the Cities seek summary disposition with respect to PSNM's failure to reflect these contributions in its allocated cost of service study. The Cities also allege price squeeze.

PSNM filed a timely answer to the Cities' motions to reject, for summary disposition and for a maximum suspension and to Plains' request for a maximum suspension. PSNM contends that its filing is consistent with the Gallup Stipulation. It acknowledges that its filing fee was approximately $2,000 deficient but states that this defect will be remedied and that the error was not so substantial as to warrant rejection of PSNM's filing. In addition, PSNM responds that its filing complies with section 35.3(a) of the regulations and disputes the Cities' and Plains' cost of service allegations.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motions to intervene serve to make TNP, DOE, Plains, the Cities, Chino, and Molycorp parties to this proceeding absent opposition within fifteen days of their respective pleadings.

The Cities' motion to reject will be denied.[5] The Commission finds that good cause exists to waive the 120-day advance filing limitation of section 35.3(a) of the regulations with respect to the rates to Gallup. It would serve no purpose to require PSNM to refile separate Schedule A and B rate cases for Gallup. No rights of any party will be prejudiced and it is sensible from an administrative standpoint to consider all of the proposed rates in a consolidated proceeding.[6]

With respect to the allegation that the Stipulations have been violated as to the effective dates of new rates, we are not persuaded that rejection is warranted. If the Stipulations provide for effective dates later than those requested, the more appropriate remedy is to accept the rates for filing but make the effective dates conform with the Stipulations. As to PSNM's proposed increase in Gallup's Schedule A rates, we noted above that the Gallup Stipulation provides that the Schedule A rates are to remain in effect through March 31, 1985. The language is quite clear. Reading this language in conjunction with the term of PSNM's contract with Gallup, the only reasonable conclusion is that increased Schedule A rates to Gallup may only take effect upon the later of April 1, 1985, or the date of a final Commission order in this docket.

With regard to the Schedule B rates, Article V of the Gallup Stipulation provides that those rates are to remain effective from May 1, 1982, until August 1, 1983. As noted above, PSNM has requested an "effective date" of April 2, 1983, but subject to suspension until August 1, 1983. The Cities contend that PSNM may not, under Article V, file for a proposed effective date prior to August 1, 1983. In support of their

[1] The Texas-New Mexico Power Company (TNP), Plains Generation and Transmission Cooperative (Plains), the United States Department of Energy at Los Alamos, New Mexico (DOE), and the City of Farmington, New Mexico (Farmington).

[2] *See* Attachment A for rate schedule designations.

[3] The Schedule A rates currently in effect are those approved in Docket No. ER80-313. The Gallup Stipulation was approved by Commission order of July 20, 1982 (20 FERC ¶ 61,064).

[4] The Farmington Stipulation was filed on March 25, 1982, and approved by letter order issued on May 28, 1982 (19 FERC ¶ 62,469). The rate moratorium provisions of the Gallup and Farmington Stipulations are reproduced in Attachment B at the conclusion of this order.

[5] With respect to the Cities' allegation that PSNM has failed to tender the proper filing fee, we note that the company did submit a check in the amount of $57,290. The apparent computational error of slightly more than $2,000 (less than 4% of the required filing fee) is not so substantial as to render this filing patently defective. Furthermore, the affected customers have not been prejudiced inasmuch as PSNM's cost of service reflects only $50,000 as the projected filing fee. Nonetheless, the company shall immediately remedy its error by tendering the appropriate amount.

[6] *See, Municipal Electric Utilities Association of Alabama* v. *F.P.C.*, 485 F. 2d 967 (D.C. Cir. 1973).

position, they refer to Article V of the Farmington Stipulation which, unlike the Gallup Stipulation, explicitly contemplates PSNM's ability to file an increase in rates prior to June 1, 1983. The Cities reason that this difference in language between the two Stipulations must be interpreted as a waiver by PSNM in the Gallup Stipulation of its right to file and request an effective date prior to August 1, 1983.

We agree with Gallup that, in the absence of language in a settlement specifically reserving or contemplating the right to file for a "proposed effective date" that is earlier than a negotiated effective date under a moratorium provision, the Commission should make any suspension effective from the date the rates would actually otherwise go into effect, *viz.*, the agreed-upon effective date. This is consistent with our decisions in *Delmarva Power & Light*, 12 FERC ¶ 61,185, and 13 FERC ¶ 61,001, to treat the date that a rate would in fact become effective as the "proposed effective date" in the absence of specific language in a moratorium provision reserving to a utility the right to file a rate at an earlier date.

We take this opportunity to advise all parties to a settlement agreement that contains a moratorium provision that the language of such provisions should make it very clear if the parties have agreed to permit a fictional "proposed effective date" in advance of the agreed-upon actual effective date in order to permit the utility to file early enough to eliminate any possible suspension period. We further believe that it is appropriate to require the filing utility to specifically reserve the right to file for an earlier "proposed effective date" under a moratorium provision since the utility may, in effect, control the length of any suspension by following the guidelines set forth by this Commission in *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶61,189 (1982).

In light of the above discussion, we shall treat the negotiated moratorium date, *i.e.*, August 1, 1982, as the date that the rate would otherwise go into effect and suspend from that date.

We shall deny the Cities' request for summary disposition. The issue concerning PSNM's purported failure to reflect certain contributions by Gallup in aid of construction raises questions of fact and law best suited for consideration in the hearing to be ordered.

Our preliminary review of PSNM's filing and the pleadings indicates that the rates proposed by PSNM have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In *West Texas Utilities Company, supra*, we explained that where preliminary examination indicates that proposed rates may be substantially excessive, as defined in *West Texas*, we would generally impose a maximum suspension. In the instant proceeding, our examination suggests that except with respect to the rate applicable to Farmington, the proposed rates may yield substantially excessive revenues. Therefore, with respect to TNP, DOE, and Plains, we shall suspend the rates for five months from April 2, 1983, to become effective on September 2, 1983, subject to refund. For the reasons noted above, the Schedule B rates for service to Gallup will be suspended for five months from August 1, 1983, to become effective on January 1, 1984, subject to refund. Our examination suggests that the proposed rate for service to Farmington may not yield excessive revenues. Thus, in accordance with the Farmington Stipulation, we shall suspend the increase to Farmington to become effective, subject to refund, on August 1, 1983.[7] As discussed earlier, the proposed Schedule A increase to Gallup will become effective in accordance with the Gallup Stipulation, upon the later of April 1, 1985, or the date of a final Commission order in this proceeding.

In accordance with the Commission's policy and practice established in *Arkansas Power & Light Company*, Docket No. ER79-339, 8 FERC ¶ 61,131 (August 6, 1979), we shall phase the price squeeze issue raised by the Cities, so that it may be considered, if appropriate, following A Commission determination of the rates which would be just and reasonable but for price squeeze.

The Commission orders:

(A) The cities' motions to reject PSNM's filing and for summary disposition are hereby denied.

(B) Waiver of the 120-day advance filing limitation of 18 CFR 35.3 is hereby granted.

(C) PSNM's proposed rates are hereby accepted for filing and suspended as follows: the proposed rates to TNP, DOE, and Plains are hereby suspended for five months from April 2, 1983, to become effective, subject to refund, on September 2, 1983; the proposed rate for service to Farmington is hereby suspended to become effective, subject to refund, on August 1, 1983; the proposed increase to Gallup under Service Schedule B is hereby suspended for five months from August 1, 1983, to become effective, subject to refund, on January 1, 1984; and the proposed increase to Gallup under Schedule A may become effective on the later of April 1, 1985, or the date of the final Commission order in this proceeding.

(D) Pursuant to the authority contained in and subject the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of PSNM's rates.

(E) The Commission staff shall serve top sheets in this proceeding on or before April 8, 1983.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of

[7] We note that the proposed increase will probably not be effective in any event, since Farmington is due to cease being a firm power customer of PSNM in April of 1983.

the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

PUBLIC SERVICE COMPANY OF NEW MEXICO; RATE SCHEDULE DESIGNATIONS (DOCKET NO. ER83-299-000), FILED: FEBRUARY 1, 1983

Designation	Other party
(1) Supplement No. 30 to rate Schedule FPC No. 31 (supersedes supplement No. 28).	Plains Electric Generation & Transmission Coop., Inc. (115 kV).
(2) Supplement No. 31 to rate Schedule FPC No. 31 (supersedes supplement No. 29).	Plains Electric Generation & Transmission Coop., Inc. (345 kV).
(3) Supplement No. 15 to rate Schedule FPC No. 32 (supersedes supplement No. 14).	Texas-New Mexico Power Company.
(4) Supplement No. 11 to rate Schedule FPC No. 34 (supersedes supplement No. 10).	Department of Energy—Los Alamos.
(5) Supplement No. 3 to supplement No. 3 to rate Schedule FERC No. 51 (supersedes supplement No. 2 to supplement No. 3).	City of Farmington.
(6) Supplement No. 16 to rate Schedule FPC No. 2 (supersedes supplement No. 12).	Gallup—Service Schedule B rates.
(7) Supplement No. 17 to rate Schedule FPC No. 2 (supersedes supplement No. 13).	Gallup—Service Schedule A rates.

Article V

Moratorium On Rate Changes

(Farmington, Department of Energy, Plains and Texas-New Mexico Power Company)

The parties to this Stipulation and Agreement agree that the settlement rates in Docket No. ER82-1-000 shall remain in effect at least for the 15 month period from May 1, 1982 through July 31, 1983. In the event that PNM files a proposed increase in rates before June 1, 1983, the effective date, after suspension, for such increased rates shall be no earlier than August 1, 1983.

Article V

Moratorium On Rate Changes

(Gallup)

The parties to this Stipulation and Agreement agree that the rates in Appendix A shall remain in effect for at least a 15-month period. The rates in Service Schedule A shall remain in effect from January 1, 1984, through March 31, 1985, and the rates under Service Schedule B shall remain in effect from May 1, 1982, through July 31, 1983.

[FR Doc. 83-9381 Filed 4-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER83-301-000 and ER82-427-000]

Southern California Edison Co.; Order Denying Request for Immediate Accounting Interpretation, Noting Interventions, Granting Waivers, Accepting for Filing and Suspending Revised Fuel Adjustment Clause, and Consolidating Proceedings

Issued April 1, 1983.

On February 2, 1983, Southern California Edison Company (SCE) filed a petition requesting that the Commission issue an order clarifying the accounting and ratemaking (fuel adjustment clause) treatment of energy generated by its San Onofre Nuclear Generating Station Unit No. 2 (SONGS 2) during the period that the unit is being tested and before it is put into full commercial operation. SCE requests in the alternative that the Commission waive § 35.14 of the regulations and accept for filing a revised fuel adjustment caluse for SCE's wholesale service if the Commission determines that such a filing is necessary. SCE further requests waiver of the notice requirements to allow the revised fuel adjustment clause to become effective as of September 20, 1982, the date on which SONGS 2 test operations began.

SCE states that since the initial test operations commenced, it has used the "fair value" of test energy in order to reflect test energy in both its wholesale and retail fuel adjustment clauses. While SCE contends that its accounting and associated ratemaking treatment of test energy is appropriate, the company indicates that the Commission's audit staff has expressed the position that SCE's methodology is not in strict compliance with our regulations and that test energy should instead be reflected in the fuel clause at the "actual fuel cost." SCE contends, however, that if it is required to reflect "actual fuel cost" in the fuel adjustment clause, several inequities would result: (1) Current customers would receive benefits from a unit under construction before they share in the costs of the unit; (2) wholesale and retail customers of SCE would be treated differently; (3) SCE would be compelled to maintain separate books of account for wholesale and retail purposes; (4) plant accounts would be improperly inflated; and (5) different costs would ultimately be reflected in base rates for wholesale and retail customers. SCE seeks to avoid any ambiguity by means of an interpretive ruling by the Commission.

The alternative fuel clause modification tendered by SCE would calculate wholesale fuel adjustment charges as though energy provided from facilities undergoing test operations was not available to SCE's system for supply to such customers.[1] SCE contends that since it cannot yet recover capital costs associated with CWIP through base rates, the savings resulting from test energy should not automatically flow through the wholesale fuel clause. In the event that a hearing is ordered concerning SCE's methodology for valuing test energy, the company suggests that such questions be consolidated with SCE's pending rate case in Docket No. ER82-427-000.

Notice of SCE's submittal was published in the **Federal Register** on February 14, 1983,[2] with comments due on or before February 25, 1983. The Cities of Anaheim, Riverside, Banning, Colton, and Azusa, California (Cities) filed a joint protest and motion to intervene on February 25, 1983. The City of Vernon, California (Vernon) also filed a protest and motion to intervene on February 25, 1983. The Cities contend that SCE's request for a clarifying order on the accounting treatment of test energy should be denied because granting SCE's request would have a significant dollar impact on SCE's wholesale customers without there having been a clear showing that SCE's requst should be granted. Cities, however, state that they do not oppose acceptance of SCE's revised fuel adjustment clause for filing or a September 20, 1982 effective date, provided that the submittal is suspended so that the Cities' refund rights are preserved for the period during which the treatment of test energy is at issue. In addition, the Cities agree with SCE that scommon questions of law and fact may exist in Docket Nos. ER83-301-000 and ER82-427-000.

Vernon's protest states that it has not yet had an opportunity to address the merits of SCE's filing. Vernon does request status as an intervenor, a hearing on the issues presented by SCE's filing, and consolidation with Docket No. ER82-427-000.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motions to intervene serve to make Cities and Vernon parties to this proceeding.

With respect to SCE's request for a clarifying order concerning the

[1] SCE estimates that during the period of testing SCE's share of the SONGS 2 output will be about 2.0 billion kWh.

[2] 48 FR 6583 (1983).

appropriateness of its accounting and ratemaking treatment of test energy, the Commission finds that questions have been raised which would be better resolved on the basis of a record developed at a hearing. We shall therefore deny SCE's request for what amounts to a declaratory order, subject to SCE's right to raise the issues presented in its pleading at hearing.

Pending the outcome of such hearing, we further believe that it is appropriate to grant any necessary waiver of section 35.14 of our regulations and to accept for filing SCE's modified fuel adjustment clause.[3] As the parties recognize in their pleadings, the Commission allowed a similar fuel clause to operate subject to refund and investigation in *Pennsylvania Power & Light Co.*, Docket No. ER82-493-000, 20 FERC ¶ 61,011 (1982). In that case, the utility also sought to collect fuel adjustment charges as if test energy was not available; the company proposed to value test energy at an amount equal to the fuel savings on its system made possible by test operation of generating units. We believe that the rationale expressed in the *Pennsylvania Power & Light Co.* order applies equally here.

However, our preliminary review of SCE's submittal and the pleadings indicates that the modification proposed by SCE has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall suspend the revised fuel clause as ordered below.

In *West Texas Utilities Company*, Docket No. ER83-23-000, 18 FERC ¶ 61,189 (1982), we explained the Commission's suspension policy primarily in the context of filings involving increases in rate level. In the instant case, SCE has indicated that it presently uses the same methodology as that embodied in the proposed fuel clause for the computation of current fuel adjustment charges, and that the proposed fuel clause (even with a September 20, 1982 effective date) would not result in any increase or decrease in the amount currently billed for test energy. In addition, the intervening customers appear to support the proposed effective date, so long as refund protection is made available. Under these circumstances, we believe that good cause exists to impose a nominal suspension and to grant the request for waiver of notice so that SCE's revised fuel clause may become effective, subject to refund, as of September 20, 1982.

[3] See Attachment A for rate schedule designations.

Finally, we agree that common questions of law and fact may be presented in Docket Nos. ER83-301-000 and ER82-427-000. As a result, we shall consolidate these dockets for purposes of hearing and decision.

The Commission orders:

(A) SCE's request for a clarifying order concerning its accounting and ratemaking treatment of test energy for the period starting September 20, 1982, is denied as discussed in the body of this order.

(B) Waiver of section 35.14 of the Commission's regulations is hereby granted insofar as is necessary to accept SCE's revised fuel adjustment clause for filing.

(C) Waiver of the notice requirements is hereby granted for good cause shown.

(D) SCE's revised fuel adjustment clause is hereby accepted for filing and suspended to become effective, subject to refund, on September 20, 1982.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of SCE's accounting and fuel clause treatment of test energy.

(F) Docket No. ER83-301-000 is hereby consolidated with Docket No. ER82-427-000 for purposes of hearing and decision.

(G) The administrative law judge designated to preside in Docket No. ER82-427-000 shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge shall determine the procedures best suited for this consolidated proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Filed: February 2, 1983.

Description: Fuel Clause Modification.

Designation	Other party
(1) Supplement No. 1 to Supplement Nos. 16 and 17 to Rate Schedule FERC No. 6.	Arizona Public Service Co. (Cibola).
(2) Supplement No. 1 to Supplement Nos. 17 and 18 to Rate Schedule FERC No. 13.	Vernon.
(3) Supplement No. 1 to Supplement Nos. 21 and 22 to Rate Schedule FERC No. 15.	Anaheim.
(4) Supplement No. 1 to Supplement Nos. 16 and 17 to Rate Schedule FERC No. 16.	Azusa.
(5) Supplement No. 1 to Supplement Nos. 22 and 23 to Rate Schedule FERC No. 17.	Riverside.
(6) Supplement No. 1 to Supplement Nos. 15 and 16 to Rate Schedule FERC No. 21.	Banning.
(7) Supplement No. 1 to Supplement Nos. 15 and 16 to Rate Schedule FERC No. 29.	Arizona Public Service Co.
(8) Supplement No. 1 to Supplement Nos. 17 and 18 to Rate Schedule FERC No. 31.	Colton.
(9) Supplement No. 1 to Supplement Nos. 19 and 21 to Rate Schedule FERC No. 33.	Southern California Water Co. (Hamish).
(10) Supplement No. 1 to Supplement Nos. 20 and 22 to Rate Schedule FERC No. 33.	Southern California Water Co. (Gold Hill).

[FR Doc. 83-0382 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-17-010]

Texas Eastern Transmission Corporation; Proposed Changes in FERC Gas Tariff

April 1, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on March 23, 1983 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Substitute Revised Second Substitute Sixty-fourth Revised Sheet No. 14
Substitute Revised Substitute Sixty-fourth Revised Sheet No. 14A
Substitute Revised Substitute Sixty-fourth Revised Sheet No. 14B
Substitute Revised Substitute Sixty-fourth Revised Sheet No. 14C
Substitute Revised Substitute Sixty-fourth Revised Sheet No. 14D

The above sheets are being issued in substitution for those sheets filed January 28, 1983 which reflected an Advance Payment reduction to Texas Eastern's rates to be effective March 1, 1983. By order dated February 28, 1983 in Docket No. TA83-1-17-007 (AP83-2), the Commission accepted those sheets filed January 28, 1983, subject to Texas Eastern's refiling revised rates to reflect the proper underlying rates. The sole purpose of the above tariff sheets is to reflect the Commission-approved Advanced Payment reduction applied to the underlying rates on Texas Eastern's Substitute Revised Sixty-fourth Revised Sheet Nos. 14, 14A, 14B, 14C and 14D tariff sheets filed on March 4, 1983. Such

March 4, 1983 sheets reflect the reductions from Texas Eastern's pipeline suppliers approved by Commission order dated March 8, 1983 in Docket No. TA83–1–17–008 (PGA83–1b, IPR83–1b and DCA83–1b), the SS–II and ISS–II space charge reduction approved by Commission order dated March 11, 1983 in Docket No. TA8–1–17–009 (PGA83–1c, IPR83–1c, and DCA83–1c), and the application of the *Seaboard* formula to Texas Eastern's rates as ordered by the Commission in its Order affirming initial decision issued February 15, 1983 in Docket No. RP74–41–000 (Remand).

The proposed effective date of the above substitute tariff sheets is March 1, 1983.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before Apr. 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9383 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA83–7–000]

341 Tract Unit of the Citronelle Field, Mobile County, Alabama; Further Extension of Time

April 1, 1983.

On March 28, 1983, The 341 Unit of the Citronelle Field (Citronelle Field) filed a motion for a further extension of time to file a petition for review of a decision and order issued January 31, 1983, by the Department of Energy's Office of Hearings and Appeals (OHA) (DOE Case No. 7746). In its motion, Citronelle Field requests that this further extension be granted, pending DOE's ruling on a petition for reconsideration of the decision and order which Citronelle Field filed on March 2, 1983. The motion further states that the Department of Energy does not oppose this extension request.

Upon consideration, notice is hereby given that a further extension of time for the filing of a petition for review is granted to and including May 2, 1983. In the event DOE has not acted by April 27, 1983, Citronelle Field may file a request for an additional extension of time, which request shall include a status report on the DOE proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9364 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–00041; TSH–FRL 2343–5]

Interagency Toxic Substances Data Committee; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: This notice announces the forthcoming meeting of the Interagency Toxic Substances Data Committee. The meeting is open to the public.

DATE: The meeting will take place from 9:30 a.m. to 12:30 p.m. on Tuesday, May 3, 1983.

ADDRESS: The meeting will be held in the: First Floor Conference Room, Council on Environmental Quality, 722 Jackson Pl., NW., Washington, D.C. 20006.

Please use the entrance on Jackson Place.

FOR FURTHER INFORMATION CONTACT: Sandra Lee, Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–435C, 401 M St., SW., Washington, D.C. 20460; (202–382–3403).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee usually are held on the first Tuesday of alternate months. However, in order to avoid holding a meeting during the Fourth of July vacation period, the next meeting has been scheduled for June 21, 1983.

Dated: April 5, 1983.

Sandra Lee,

Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 83-9368 Filed 4-8-83; 8:45 am]

BILLING CODE 6560-50-M

[SWH–FRL 2344–1]

RCRA Permit Advisory Committee; Open Meeting

Notice is hereby given of meetings of the RCRA Permit Advisory Committee and its Task Forces. The Committee was established in accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. (Appendix I), *et. seq.* Establishment of the Committee was announced in the **Federal Register** on September 23, 1982, [SWH–FRL–2212–2].

The full Committee meeting will be held on April 27 and April 28, 1983, at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460. Meetings are scheduled as follows:

April 26 10:00 a.m.
- Task Force A—Work Groups—Room 2117
- Task Force B—Work Groups—Room 2123

April 26 1:30 p.m.
- Task Force A—Room 2117
- Task Force B—Room 2123

April 27 10:00 a.m.
- RCRA Permit Advisory Committee—Room 3906–08

April 27 2:00 p.m.
- Task Force A—Room 3906
- Task Force B—Room S353

April 28 9:30 a.m.
- RCRA Permit Advisory Committee—Room 3906–08

The purpose of the meeting is to receive reports from the Task Forces regarding their on-going review of current documents relating to the implementation of Land Disposal, Storage and Treatment, and Incinerator programs. Recommendations proposed by the Task Forces regarding Lifetime Permits, Variances, Class Permits and Permits for Mobile Treatment Units will also be considered at this meeting.

The meeting is open to the public. Any members of the public wishing to submit a written statement to the Committee should submit copies to the Executive Secretary at the meeting. Time will also be allowed for oral comment. Anyone wishing to make a brief oral statement must indicate this to the Executive Secretary at the opening of the meeting.

For further information contact: Susan Mann, Executive Secretary, Office of Solid Waste (202) 382–4498.

Dated: April 5, 1983.

Jack McGraw,

Acting Assistant Administrator.

[FR Doc. 83-9369 Filed 4-8-83; 8:45 am]

BILLING CODE 6560-50-M

[SA-FRL 4344-2]

Science Advisory Board; Environmental Engineering Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Environmental Engineering Committee (EEC) of the Science Advisory Board will be held in Conference Room 2117, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C., on April 27-28, 1983. The meeting will begin at 9:00 a.m. and last until approximately 5:00 p.m. each day.

There will be two main agenda items. First, the Committee will continue review of technical support data pertaining to the proposed EPA effluent guidelines for the pesticides industry, developed under the Clean Water Act. The major issue under review will be the techniques and assumptions used by EPA in determining the types and levels of technology used to establish treatment limits, particularly for those pesticides for which an adequate data base does not exist.

The Committee will also continue its review of proposed revisions to the Agency's definitions of secondary treatment. The major scientific issues pertaining to this review by the Committee include:

(1) The technical implications of using a BOD test that inhibits nitrification in lieu of the present uninhibited BOD test.

(2) The scientific and technical basis for seasonal (cold-weather) adustments to trickling filter effluent limitations; and

(3) Whether newly-designed trickling filters can be expected to meet current effluent limits.

The meeting is open to the public. Any member of the public wishing to participate or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382-2552, or Terry F. Yosie, Staff Director, Science Advisory Board, at (202) 382-4126. Public coment will be accepted at the meeting. Written comment will be accepted in any form, and there will be opportunity for brief oral statements. Anyone wishing to make such comment must contact Mr. Torno prior to April 22, 1983, in order to be placed on the agenda.

Dated: April 4, 1983.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 83-9347 Filed 4-8-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-677-DR]

California; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-677-DR), dated February 9, 1983, and related determinations.

DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

Notice

The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

Humboldt County for Individual Assistance and Del Norte County as an adjacent county for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Joe D. Winkle,

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

[FR Doc. 83-9351 Filed 4-8-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-677-DR]

California; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-677-DR), dated February 9, 1983, and related determinations.

DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

Notice

The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

San Joaquin County for Individual Assistance, and Yuba County as an adjacent County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83-516, Disaster Assistance)

Dave McLoughlin,

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

[FR Doc. 83-9352 Filed 4-8-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-677-DR]

California; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-677-DR), dated February 9, 1983, and related determinations.

DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice

The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

Sacramento County as an adjacent county for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83-516, Disaster Assistance)

Dave McLoughlin,

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

[FR Doc. 83-9353 Filed 4-8-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-677-DR]

Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA–677–DR), dated February 9, 1983, and related determinations.

DATE: March 30, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0501.

Notice

The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

Fresno County as an adjacent county for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83–516, Disaster Assistance)

Dave McLoughlin,

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

[FR Doc. 83-9354 Filed 4-8-83; 8:45 am]

BILLING CODE 6718-02-M

Proposed Meeting of FEMA Advisory Board

March 9, 1983.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, announcement is made of the following working committee meeting:

Name: Federal Emergency Management Agency Advisory Board.

Date of Meeting: April 29, 1983.

Place: Federal Emergency Management Agency, Room 401, 500 C Street SW., Washington, D.C. 20472.

Time: 8:30 a.m. to 4:30 p.m.

Purpose: Internal classified discussions on progress of the four Ad Hoc Task Forces. The views of the Board will be discussed with the Director of FEMA.

The Director has determined that the Board meeting should be closed because disclosure is likely to reveal matters that are specifically authorized to be kept Top Secret in the interest of national defense or foreign policy and are properly classified pursuant to Executive Order.

Dalimil Kybal,

Science Advisor.

[FR Doc. 83-9350 Filed 4-8-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL HOME LOAN BANK BOARD

[Resolution No. 83–183]

Biscayne Federal Savings and Loan Association; Temporary Suspension of Trading in Securities

Dated: April 6, 1983.

The Federal Home Loan Bank Board ("Board") announced, pursuant to Section 12(k) of the Securities Exchange Act of 1934 ("Exchange Act"), the temporary suspension of exchange and over-the-counter trading in the securities of Biscayne Federal Savings and Loan Association, Miami, Florida ("Biscayne Federal"), a Federally-chartered insured institution, with its principal executive offices located at 1790 Biscayne Boulevard, Miami, Florida 33132, for the ten-day period commencing at 11:40 a.m. (e.s.t.) on April 6, 1983, and terminating at midnight (e.s.t.) on April 15, 1983.

The Board suspended trading in the securities of Biscayne Federal pending a regulatory announcement.

The Board cautions broker-dealers, shareholders and prospective purchasers that they should carefully consider the foregoing information along with all other currently available information and any information subsequently issued by Biscayne Federal.

Furthermore, brokers and dealers should be alert to the fact that, pursuant to Rule 15c2–11 under the Exchange Act, at the termination of the trading suspension, no quotation may be entered unless and until they have strictly complied with all of the provisions of such rule. If any broker or dealer has any questions as to whether or not he has complied with such rule, he should not enter any quotations but immediately contact the staff of the Board's Office of General Counsel, Division of Securities and Corporate Analysis, in Washington, D.C. If any broker or dealer is uncertain as to what is required by Rule 15c2–11, he should refrain from entering quotations relating to the securities in question until such time as he has familiarized himself with such rule and is certain that all of its provisions have been met. If any broker or dealer enters any quotation which is in violation of such rule, the Board will consider the need for prompt enforcement action.

Any broker-dealer or other person who has any information which may relate to this matter is encouraged to telephone the Board's Office of General Counsel, Division of Securities and Corporate Analysis, at (202) 377–6415.

Gregory B. Smith,

Acting Secretary.

Order of Trading Suspension

Dated: April 6, 1983.

In the matter of trading in the securities of Biscayne Federal Savings and Loan Association, Miami, Florida, FHLBB No. 5999; Securities Exchange Act of 1934 Section 12(k).

The Federal Home Loan Bank Board ("Board") intends to make a regulatory announcement which will relate to the securities of Biscayne Federal Savings and Loan Association, Miami, Florida ("Biscayne Federal"). The board is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Biscayne Federal.

Therefore, it is ordered, pursuant to Section 12(k) of the Securites Exchange Act of 1934, that exchanged trading and over-the-counter trading in the securities of Biscayne Federal are suspended, for the period from 11:40 a.m. (e.s.t.) on April 6, 1983, and terminating at midnight (e.s.t.) on April 15, 1983.

By the Federal Home Loan Bank Board.

Gregory B. Smith

Acting Secretary.

[FR Doc. 83-9346 Filed 4-8-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 10463]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10463 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

Agreement No. 10463 is a proposed space charter arrangement between Holland Pan-American Line (HOPAL) and Lineas Maritimar Paraguayas, S.A. (LMP). LMP operates between U.S. Atlantic/Gulf ports and ports in Argentina, Paraguay and Uruguay. HOPAL operates between U.S. Atlantic/Gulf ports and ports in Argentina, Paraguay, Uruguay and Brazil. The areement proposes, among other things,

to obtain economies of scale, conserve fuel and maximize vessel utilization in these trades.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83-9413 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 [75 Stat. 522 and 46 U.S.C. 841(c)].

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Quick Freight Inc., 6904 N.W. 51 Street Miami, FL 33166
Officers: Hector M. Perez, President/Director/Secretary, Maria Luisa Alvarez, Treasurer

Halcyon Transport Corporation, 1022 Arlington, P.O. Box 70621, Houston, TX 77270
Officers: William Joseph Leach, Jr., President; Jeanne Bunnell Leach, Secretary; William Bunnell Leach, Vice President

Raul Nunez dba Nunez Forwarding Company, 11902 Doncaster, Houston, TX 77024

BTA American Forwarders, Inc., 4727 N.W. 72nd Avenue, Miami, FL 33166
Officers: Juan C. Zighelboim, President; Pedro E. Behrens, Stockholder

Edel Enterprises, Inc., 5419 N.W. 72nd Avenue, Miami, FL 33166
Officers: Enrique Toledo, President; Mario J. Herrera, Asst. Vice President

International Import Export Service, Inc., 15 Park Row, Rm. 939, New York, NY 10038
Officers: Simon S. Byon, President/Director; Yong Hee Byon, Secretary/Director; John G. Duffield, Vice President

Fast Way International Freight Forwarders Corp., 176-24 148th Avenue, Jamaica, NY 11434
Officers: Raul Barbosa, President/Director; Michael Butterman, Secretary; Waldyr Silva, Asst. Secretary

Alberto E. Puentes dba American Forwarding Services, 2040 S.W. 123 Court, Miami, FL 33175

A. R. Torrico and Sons (Shipping) Inc., P.O. Box 55125, Seattle, WA 98155
Officer: A. R. Torrico, President

Dated: April 6, 1983.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-9412 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-3]

South Atlantic-North Europe Rate Agreement (Agreement No. 9984-23); Gulf European Freight Association (Agreement No. 10270-2); Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 82-3 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

Docket No. 82-3 is an investigation to determine whether amendments extending Agreements Nos. 9984 and 10270 should be approved, disapproved or modified. Parties to Agreement No. 9984, however, have been dismissed from this proceeding.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the **Federal Register** unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83-9411 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 315]

Air Express International Agency, Inc.; Order of Revocation in Part

On March 10, 1983, Air Express International Agency, Inc., Bldg. #89, JFK International Airport, Jamaica, NY 11430 voluntarily surrendered its right to operate under Independent Ocean Freight Forwarder License No. 315.

Notwithstanding this, Surface Freight Corporation, will continue to hold FMC License No. 315 in its name only.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders; Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Air Express International Agency, Inc.'s authority to use Independent Ocean Freight Forwarder License No. 315 issued to Surface Freight Corporation and Air Express International Agency, Inc. be and is hereby revoked effective March 10, 1983.

It is ordered, that a copy of this Order be published in the **Federal Register** and served upon Air Express International Agency, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-9414 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2303]

Gray International Forwarding, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Gray International Forwarding, Inc., 1290 South Pearl Street, Denver, CO 80210 was cancelled effective March 25, 1983.

By letter dated March 16, 1983, Gray International Forwarding, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2303 would be automatically revoked unless a valid surety bond was filed with the Commission.

Gray International Forwarding, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2303 be and is hereby revoked effective March 25, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 2303 issued to Gray International Forwarding, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Gray International Forwarding, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-9420 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1306-R]

Intercontinental Export Services, Inc.; Order of Revocation

On April 1, 1983, Intercontinental Export Services, Inc., 230 E. 17th Street, Suite 228, Costa Mesa, CA 92627 surrendered its Independent Ocean Freight Forwarder License No. 1306-R for revocation effective March 31, 1983.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1306-R issued to Intercontinental Export Services, Inc. be revoked effective March 31, 1983.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Intercontinental Export Services, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-9417 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2165]

Jade International CHB, Inc.; Order of Revocation

On February 17, 1983, Jade International CHB, Inc., 8400 Isis Avenue, P.O. Box 45735, Los Angeles, CA 90045 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2165.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2165 issued to Jade International CHB, Inc., be revoked effective February 17, 1983 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2165 issued to Jade International CHB, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Jade International CHB, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing

[FR Doc. 83-9416 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1854]

Pioneer Forwarding Corp.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Pioneer Forwarding Corporation, 140 Cedar Street, New York, NY 10006 was cancelled effective March 24, 1983.

By letter dated March 16, 1983, Pioneer Forwarding Corporation was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1854 would be automatically revoked unless a valid surety bond was filed with the Commission.

Pioneer Forwarding Corporation has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1854 be and is hereby revoked effective March 24, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 1854 issued to Pioneer Forwarding Corporation be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Pioneer Forwarding Corporation.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-9430 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1693]

Mattoon & Co., Inc. of Los Angeles; Order of Revocation in Part

On February 15, 1983, Mattoon & Co., Inc. of Los Angeles, 123 West Fourth Street, Los Angeles, CA 90013, voluntarily surrendered its right to operate under Independent Ocean Freight Forwarder License No. 1693.

Notwithstanding this, Mattoon & Co., Inc. will continue to hold FMC License No. 1693 in its name only.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders; Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Mattoon & Co., Inc. of Los Angeles' authority to use Independent Ocean Freight Forwarder License No. 1693 issued to Mattoon & Co., Inc. and Mattoon & Co., Inc., of Los Angeles be and is hereby revoked effective February 15, 1983.

It is ordered, that a copy of this Order be published in the **Federal Register** and served upon Mattoon & Co., Inc. of Los Angeles.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-9418 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1880]

Pracht International Inc.; Order of Revocation

On March 11, 1983, Pracht International Inc., One World Trade Center, Suite 2311, New York, NY 10048 requested that its Independent Ocean Freight Forwarder License No. 1880 be voluntarily revoked effective March 31, 1983.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1880 issued to Pracht International Inc. be

revoked effective March 31, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Pracht International Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-9415 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder Lincense No. 1176]

Trans/World Shippers, Inc.; Order of Revocation

Section 44(c), SHIPPING Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a lincesee to maintain a valid bond on file.

The bond issued in favor of Trans/World Shippers, Inc., 20810 Fordyce Avenue, Carson, CA 90749 was cancelled effective March 25, 1983.

By letter dated March 16, 1983, Trans/World Shippers, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1176 would be automatically revoked unless a valid surety bond was filed with the Commission.

Trans/World Shippers, Inc. has failed to furnish a valid bond.

By virture of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(F) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1176 be and is hereby revoked effective March 25, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 1176 issued to Trans/World Shippers, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Trans/World Shippers, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-9419 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Systems Agencies and State Health Planning and Development Agencies; Certificate of Need Reviews

AGENCY: Health Resources and Services Administration, Public Health Service, HHS.

ACTION: Notice regarding adjustment of the expenditure minimum for capital expenditures and the expenditure minimum for annual operating costs.

SUMMARY: This notice provides necessary information for each State which chooses to adjust the capital expenditure and annual operating cost expenditure minimums that are used to determine whether proposals are subject to review under a State's certificate of need program. The notice also provides guidance to assist a State Health Planning and Development Agency (State Agency) in determining the exact minimum dollar figure it will use and in seeking further information.

SUPPLEMENTARY INFORMATION: The Health Planning and Resources Development Amendments of 1979 (Pub. L. 96-79) as amended by the Health Programs Extension Act of 1980 (Pub. L. 96-538) and the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) required the Secretary to designate by regulation (1) an index maintained or developed by the Department of Commerce which could be used by States to adjust the minimum threshold for capital expenditures and (2) an index which could be used by States to adjust the minimum threshold for annual operating costs, in the State certificate of need programs. Pub. L. 97-35 also raised the minimum threshold for capital expenditures to $600,000 and for annual operating costs to $250,000 effective October 1, 1981. The Secretary designated the Department of Commerce Composite Construction Cost Index for both threshold adjustments in the certificate of need final regulations published October 31, 1980 (42 CFR 123.401). This notice provides the change in the Department of Commerce Composite Construction Cost Index from October 1, 1981 to October 1, 1982. On October 1, 1981, the index was fixed at 154.9. On October 1, 1982, the index was fixed at 155.8. This .9 point change represents a .6 percent increase. States which are authorized to adjust the capital expenditure and operating cost expenditure minimums may increase them up to .6 percent. Because Section 1531(5) of the Public Health Service Act as amended by Pub. L. 97-35 specifies that the adjustment to the threshold is made with respect to the "figure in effect for the preceding 12-month period," the application of the yearly change in the index is compounded. Thus, the change in the index is applied to the preceding 12-month period's threshold and not to the statutory figure.

FOR FURTHER INFORMATION CONTACT: Jon Gold, Director, Division of Regulatory Activities, Office of Health Planning, BHMORD, 5600 Fishers Lane, Room 13A-44, Rockville, Maryland 20857, (301) 443-6350.

Dated: April 4, 1983.

Robert Graham, M.D.,

Administrator, Assistant Surgeon General.

[FR Doc. 83-9283 Filed 4-8-83; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-83-1225]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the

information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Proposal: Section 223(f) Coinsurance Program: Project Applications and Review of Application; Closing Documents.

Form Number: HUD-92013, HUD-92457, HUD-2530, etc.

Frequency of Submission: On Occasion.

Affected Public: Businesses or Other Institutions (except farms).

Estimated Burden Hours: 40,000.

Status: New.

Contact: Frank D. Brown, HUD, (202) 755-5720 Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 21, 1983.

Proposal: Section 223(f) Coinsurance Program: Application for Approval as a Coinsuring Lender.

Office: Housing.

Form Number: None.

Frequency of Submission: On Occasion.

Affected Public: Buisnesses or Other Institutions (except farms).

Estimated Burden Hours: 3,000.

Status: New.

Contact: Frank D. Brown, HUD, (202) 755-5720 Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 21, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-9189 Filed 4-8-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Finding Against Federal Acknowledgment of the Snohomish Tribe of Indians

March 30, 1983.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.9(f)(formerly 25 CFR 54.9(f)), notice is hereby given that the Assistant Secretary proposes to decline to acknowledge that the Snohomish Tribe of Indians, c/o Mr. William A. Matheson, P.O. Box 247, Snohomish, Washington 98290, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group does not meet four of the criteria set forth in 25 CFR 83.7 and, therefore, does not meet the requirements necessary for a government-to-government relationship with the United States.

The preliminary determination is that the petitioning organization is a limited organization established in 1950 in connection with the Snohomish claim before the Indian Claims Commission. The petitioner and the ancestors of its members have not historically formed part of the Snohomish tribe which was signatory to the Treaty of Point Elliott and which became centered on the Tulalip Indian Reservation after treaty times. The organization's membership is composed of descendants of 19th-century pioneer-Indian marriages, occurring mainly between 1860 and 1870, who maintained few if any ties with the historic Snohomish tribe. These descendants did not and do not now form a distinct Indian community or communities but rather became part of various non-Indian communities. Forty-one percent of the group's membership could not demonstrate Snohomish ancestry but are of Clallam, Snoqualmie, or other Indian ancestry (33%) or are of undetermined Indian ancestry (8%).

The membership of the petitioning organization is derived from Indian descendants who formed part of the membership of a previous claims organization, the Snohomish Tribe of Indians, Inc., which was formed in 1926 primarily in connection with the *Duwamish* v. *United States* claims suit. The organization was disbanded in 1935 when the suit was lost. The membership and leadership of that organization were drawn from a large body of individuals of Snohomish and non-Snohomish ancestry and from the historic Snohomish tribe. The organization was not a formalization or reorganization of the political structure of the historic Snohomish tribe, which continued to exist on Tulalip Reservation. In 1935, the Snohomish and other Indians on the Tulalip Reservation formed a single tribal government under the Indian Reorganization Act.

No Snohomish organization existed from 1935 until the petitioning group was formed in 1950. The current organization is primarily derived from the Indian descendant portion of the 1926 organization's membership. There are only a few Tulalip Reservation Snohomish in the organization. The organization is a limited one, with little social cohesion, and does not form a distinct community or group.

The petitioner submitted copies of governmental documents now being used by the group. Less than one percent of the membership are enrolled members of any other North American Indian tribe. The Snohomish Tribe of Indians has not been the subject of Congressional legislation which has expressly terminated or forbidden a relationship with the Federal Government.

Based on this preliminary factual determination, it is concluded that the group meets criteria d, f, and g and does not meet criteria a, b, c, and e of § 83.7 of the Acknowledgment regulations.

Under § 83.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision is available to the petitioner and interested parties upon written request.

Section 83.9(g) of the regulations provides that any individual or organization wishing to challenge the proposed findings may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 days of the publication of this notice. Comments and requests for a copy of the report should be addressed to the Office of the Assistant Secretary-Indian Affairs, Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C 20245, Attention: Branch of Federal Acknowledgment.

After consideration of the written arguments and evidence rebutting the proposed findings and within 60 days after the expiration of the response period, the Assistant Secretary will publish his determination regarding the

petitioner's status in the Federal Register as provided in § 83.9(h).

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 83-9343 Filed 4-8-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Worland District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Department of Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Worland District Grazing Advisory Board. The agenda for this meeting include:

1. Opportunity for public comment—9:15 a.m.

2. Livestock driveway review and recommendations—9:30 a.m.

3. Public land disposal program for FY 1983—10:00 a.m.

4. Range Improvement Policy (as applying to maintenance, new project construction, M-I-C allotment categories, etc.)—10:30 a.m.

5. FY 1984 project proposals and recommendations—1:00 p.m.

The meeting will be open to the public. Interested persons may make oral statements to the Board, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager by May 9, 1983.

DATE: May 13, 1983, 9:00 a.m.

ADDRESS: Bureau of Land Management Office, Conference Room, 1700 Robertson Avenue, Worland, Wyoming 82401.

FOR FURTHER INFORMATION CONTACT: Chester E. Conard, District Manager, Bureau of Land Management, 1700 Robertson Avenue, Worland, Wyoming 82401.

SUPPLEMENTARY INFORMATION: Summary minutes of this meeting will be on file in the District Office and available for public inspection (during regular business hours) within 30 days of the meeting.

Chester E. Conard,

District Manager.

[FR Doc. 83-9344 Filed 4-8-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Notice of Tentative Terms and Conditions for an Arctic Sand and Gravel Sale

AGENCY: Minerals Management Service, Department of the Interior.

ACTION: Notice of tentative terms and conditions being considered for an Arctic sand and gravel lease sale scheduled for October 1983 and request for comments.

SUMMARY: The Minerals Management Service (MMS) is in the process of planning for a competitive lease sale for sand and gravel offshore in the Arctic in the vicinity of two Outer Continental Shelf (OCS) oil and gas lease sales—Diapir Field Sale No. 71 and Sale Beaufort Sea (BF). The sale is tentatively scheduled for October 1983. No decision has been made as to the terms and conditions for the sale. However, comments are sought on the proposed terms and conditions listed below.

Access to Material: Potential Sale No. 71 bidders have been advised that easements for the use of sand and gravel on their tracts could be granted. To avoid any possible conflicts over rights to sand and gravel, the sand and gravel lease sale will not include those tracts under lease for oil and gas (Sale No. 71 and Sale BF). Sand and gravel lessees will have exclusive rights to the sand and gravel granted on the lease. No future oil and gas lessee will be able to obtain an easement for the use of sand and gravel on a tract under lease for sand and gravel. Easements can be used to obtain sand and gravel from those tracts currently under oil and gas lease.

Eligibility to Bid: Bidders will be restricted to holders of oil and gas leases or partial interests in leases from OCS Sale No. 71 or Sale BF. Assignments or transfers of interests in sand and gravel leases will be restricted to holders of oil and gas leases from Sale No. 71 and Sale BF.

Bonding: Lessees will be required to be bonded in the sum of $25,000 for each lease conditioned on compliance of all lease terms and conditions, or a bond for $100,000 for all sand and gravel leases in the Arctic. Lessees with current $300,000 bonds covering all mineral leases off Alaska will not be required to furnish additional bonds.

Tract Size: Use existing Official Protraction Diagrams and no tract to exceed 2,304 hectares (5,693.18 acres).

Primary Lease Term: 10 years with extensions as long as there is production or if approved under a suspension of operations.

Royalty: None.

Annual Rental: $2.47 per hectare ($1.00 per acre).

Minimum Bid: $61.75 per hectare ($25.00 per acre).

Acreage Restriction: Sand and gravel lessees will be restricted to acquiring no more than 56,932 acres in the Arctic or the amount of acreage covered by their oil and gas leases whichever is greater. This restriction is subject to waiver by the Director, Minerals Management Service if such waiver is determined by the Director to be in the national interest.

COMMENTS: Comments on the tentative terms and conditions are requested within 45 days of the publication of this notice. They should be addressed to Director, Minerals Management Service, Mail Stop 645, 11203 Sunrise Valley Drive, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Chris Oynes (202/343-6906) or Abigail Miller (202/343-3116), Offshore Leasing Management Division (645), Minerals Management Service, at the address listed above.

SUPPLEMENTARY INFORMATION: On January 19, 1982, the Secretary of the Interior announced approval of a program for non-energy mineral leasing activities in U.S. offshore areas. The first phase of the program is a competitive lease sale for sand and gravel offshore in the Arctic in the vicinity of OCS oil and gas lease sales Diapir Field Sale No. 71 and Sale BF. The sand and gravel sale is tentatively scheduled for October 1983. It is authorized by section 8(k) of the OCS Lands Act, 43 U.S.C. 1337

The final Notice of Sale for Sale No. 71, published in the Federal Register on September 13, 1982 (47 FR 40362), informed potential bidders on the sand and gravel sale. The Notice further indicated that the Secretary could grant easements for the use of sand and gravel to oil and gas lessees. The sand and gravel lease sale tentatively scheduled for October 1983 is intended primarily to provide construction materials needed to carry out oil and gas operations resulting from Sale No. 71 and Sale BF. Additional sand and gravel lease sales are contemplated to meet future needs. A draft environmental impact statement (EIS) on the sand and gravel sale was made available to the public on November 12, 1982, and a final EIS is expected to be published in April 1983. A final decision regarding terms and conditions will be made at the time the Notice of Sale is published—at least 30 days prior to the proposed sale. Prior to that time, sale terms and conditions will be further analyzed in decision materials, and any comments received

concerning the tentative terms and conditions set forth in this notice will be evaluated as part of that process.

In designing the terms and conditions for this sale, the primary criterion is facilitating access to sand and gravel necessary to expedite oil and gas operations, particularly exploration. Future sand and gravel sales are anticipated to meet other requirements. In particular, proposed terms and conditions for this sale are designed to:

(1) Eliminate the potential for correlative rights problems which could arise if tracts subject to sand and gravel leases were also subject to easements for the use of sand and gravel; and

(2) Reduce the potential for monopolies or near-monopolies which could occur because uneven distribution of sand and gravel deposits in combination with the high cost of transporting the material would restrict the ability of potential buyers from seeking alternate suppliers.

To respond to (1) above, MMS proposes not to offer for sand and gravel lease those blocks subject to easements for sand and gravel. Further, it is proposed not to grant easements for sand and gravel in the future on any block under lease for sand and gravel.

In order to achieve (2) above, restrictions on bidders and acreage held by any single lessee are proposed. Comments are particularly requested on these proposed restrictions, including the need for them. If it is decided not to restrict bidders, it is more likely that sand and gravel will be sold for profit, and a royalty, in addition to the bonus payment and rental, may be appropriate. In conjunction with the proposed acreage restriction, we would like to receive comments on how best to administer this restriction, especially where a bidder outbids competitors for more than the proposed maximum of 10 tracts. Comments are also sought on the method for assessing such a royalty and the royalty rate.

Finally, in order to aid MMS in general sale design matters, oil and gas operators' views are requested on the availability of various construction materials (sand and gravel and others) in relation to both oil and gas tracts and the anticipated need for the material based on available technologies (sand and gravel islands, earth-fill caissons, and others). Further information is desired on the extent to which materials other than sand and gravel and technologies other than sand and gravel islands might be anticipated or acceptable if deposits of sand and gravel are not readily available or economic.

While comments have been especially solicited regarding certain proposed terms and conditions set out in this notice, comments on any of the terms and conditions are welcome.

Harold E. Doley,

Director, Minerals Management Service.

Approved: April 4, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

[FR Doc. 83-9320 Filed 4-6-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 83-5988 beginning on page 9961 in the issue of Wednesday, March 9, 1983, make the following correction:

On page 9962, third column, under MC 118831 (Sub-203), Central Transport Incorporated, in the 8th, 9th, and 10th lines "(except classes A and B explosives, household goods and commodities in bulk)," should have read "(except classes A and B explosives and household goods),".

BILLING CODE 1505-01-M

[Ex Parte No. 347 (Sub-1)]

Coal Rate Guidelines, Nationwide; Environmental Impact

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments to notice of intent to prepare an environmental impact statement and statement of energy impact and proposed scope.

SUMMARY: In the Federal Register notice of March 8, 1983, (48 FR 9706), the date comments were due on the proposed scope of the environmental impact statement and the statement of energy impact being prepared in this proceeding was April 7, 1983. At the request of the Edison Electric Institute, Carolina Power & Light Company, Duke Power Company, and other electric utilities, the due date has been postponed to April 28, 1983. Considering the nature of the comments requested and the opposition of the Western, Eastern and Southern Railroads, the requested extension of 45 days does not appear to be warranted.

DATE: Comments are due April 28, 1983.

ADDRESS: Send an original and one copy to: Section of Energy and Environment, Room 4143, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Carl Bausch (202) 275-0800, or Douglas Galloway (202) 275-7278.

By the Commission, Reese H. Taylor, Jr., Chairman.

Dated: March 31, 1983.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9359 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Decision Ex Parte MC-43]

Lease and Interchange of Vehicles By Motor Carriers

Decided: April 1, 1983.

M&G Convoy, Inc. (No. MC-20722, F. J. Boutell Driveway Co., Inc. (No. MC-3468), Complete Auto Transit, Inc. (No. MC-49368), Janesville Auto Transport Co. (No. MC-119642), and Commercial Carriers, Inc. (No. MC-43038), petition for waiver of Subpart B (Sections 1057.11 and 1057.12), except for Paragraph (b) of Section 1057.11, of the *Lease and Interchange of Vehicles Regulations* (49 CFR Part 1057), with respect to equipment augmented among them.

We Find

Petitioners are commonly controlled and administer a common safety program.

Granting the Petition will permit more efficient and economical operations.

There is no public policy consideration or goal which overrides petitioners' goal of reducing energy consumption, fuel and other costs.

A denial of the Petition offers no protection to the public and would prevent greater efficiency, fuel economy, and costs savings.

It Is Ordered

The petition of M&G Convoy, Inc. (No. MC-20722), F. J. Boutell Driveaway Co., Inc. (No. MC-3468), Complete Auto Transit, Inc. (No. MC-49368), Janesville Auto Transport Co. (No. MC-119642), and Commercial Carriers, Inc. (No. MC-43038), for waiver of Subpart B of the leasing regulations except paragraph (b) of Section 1057.11 is granted, provided petitioners or their authorized representatives agree in writing that the lessee shall have control and responsibility for the operation of the equipment from the time possession is taken by the lessee and the receipt required under Paragraph (b) of Section 1057.11 is received by the lessee or the equipment is returned to the lessor or

given to another authorized carrier in an interchange of equipment. A copy of the agreement must be carried in the equipment while it is in the possession of the lessee.

The waiver granted in this decision does not affect the application of the leasing regulations to a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9360 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: April 1, 1983.

National Freight, Inc. (Certificate No. MC-2860 and Permit No. MC-148941 Sub- No. 1F) and Transportation System of America, Inc. (Certificate No. MC-1), petition of waiver of Subpart B (§§ 1057.11 and 1057.12) except paragraph (b) of § 1057.11 of the *Lease and Interchange of Vehicles Regulations* (49 CFR Part 1057), with respect to equipment augmented between them.

We Find

The petitioners are commonly controlled and operate a consolidated, unified safety program.

Granting this petition only with respect to equipment augmented between petitioners will permit more efficient and economic operations. Also, granting this waiver has no affect on the application of the leasing regulations concerning a lease between an owner-operator and an authorized carrier.

No public policy consideration or objective overrides petitioners' purpose of reducing energy consumption and other costs. Denying the petition offers no protection to the public, but would prevent petitioners' purpose of providing more efficient and economical operations, as well as other cost savings.

It Is Ordered

The petition of National Freight, Inc. (Certificate No. MC 2860) and permit No MC-148941 (Sub-No. 1F) and Transportation System of Amreica, Inc. (Certificate No. MC 153811) for waiver of Subpart B of the leasing regulations except paragraph (b) of § 1057.11 is granted, provided petitioners or their authorized representatives agree in writing that the lessee shall have control and responsibility for the operation of the equipment from the time possession is taken by the lessee and the receipt required under Paragraph (b) of Section 1057.11 is received by the lessee or the equipment is returned to the lessor or given to another authorized carrier in a interchange of equipment. A copy of the agreement must be carried in the equipment while it is in the possession of the lessee.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9361 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: April 1, 1983.

National Freight, Inc. (MC-2860 and MC-148941) and Red Systems, Inc. (MC-152873) petition for waiver of Subpart B or §§ 1057.11 and 1057.12, except paragraph (b) of § 1057.11, of the *Lease and Interchange of Vehicles Regulations* (49 CFR Part 1057), with respect to equipment augmented between them.

We Find

1. Petitioners are not under common control. They show only a patriarchal influence between petitioners. There is no common ownership of stock. The patriarchal chairman and majority stockholder of petitioner National holds only the secondary office in petitioner Red Systems.

It Is Ordered

1. The petition of National Freight, Inc. (Certificate No. MC-2860 and Permit No. MC-148941) and Red Systems, Inc. (No. MC-152873) for the waiver of Subpart B, except paragraph (b) of Section 1057.11, is denied without prejudice to a grant of the petition should they submit sufficient additional information for us to conclude that lawful common control, in fact, exists.

By the Commission, Motor Carrier Leasing Board, Board Members, J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9362 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: April 1, 1983.

National Freight, Inc. (Certificate No. MC-2860 and Permit No. MC-148941) and 4-B Lines, Inc. (Permit No. MC-156050) petition for waiver of Subpart B, §§ 1057.11 and 1057.12) except paragraph (b) of § 1057.11, of the *Lease and Interchange of Vehicles* regulations (49 CFR Part 1057), with respect to equipment augmented between them.

We Find

1. Petitioners are not under common control. They show only a patriarchal influence between petitioners. There is no common ownership of stock. The patriarchal chairman and majority stockholder of petitioner National holds only the secondary office in petitioner 4-B.

It Is Ordered

1. The petition of National Freight, Inc. (Certificate No. MC-2860 and Permit No. MC-148941) and 4-B Lines, Inc. (Permit No. MC-156090) for the waiver of Subpart B, except paragraph (b) of § 1057.11, is denied without prejudice to a grant of the petition should they submit sufficient additional information for us to conclude that lawful common control, in fact, exists.

By the Commission, Motor Carrier Leasing Board, Board Members, J. Warren McFarland, Bernard Gaillard and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9363 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15047]

Rail Carriers; Dutra Trucking, Inc.; Purchase Exemption; Shoemaker Trucking Company (Loren Wetzel, Trustee in Bankruptcy)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirements of prior review and approval under 49 U.S.C. 11343(a), the purchase by Dutra Trucking, Inc., of portions of the operating rights of Shoemaker Trucking Company (Loren Wetzel, trustee in bankruptcy), No. MC-138875 (Sub-No. 312X).

DATES: This exemption is effective on May 11, 1983. Petitions for reconsideration must be filed by May 2, 1983. Petitions for stay must be filed by April 21, 1983.

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and
(2) Petitioner's Representative, Eugene O. Carmody, 15523 Ledgeman Street, San Leandro, CA 94579.

Pleadings should refer to No. MC–F–15047.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in No. MC–F–15047. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: April 4, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9364 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-0-M

[No. 39097]

Rail Carriers; H. E. Smith & Associates; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: H. E. Smith, a motor contract carrier, has requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments must be received by April 26, 1983. The sought relief will become final on May 11, 1983, unless, in response to timely filed adverse comments, the Commission issues a decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Robin K. Williams (202) 275–7697, or Howell I. Sporn (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b) and 10762(f).

In support of its petition, H. E. Smith & Associates notes that it is a small carrier which serves one contract shipper exclusively. It requests an exemption from the tariff filing requirements, contending that such a requirement constitutes an administrative burden, particularly since the company operates without office personnel. Petitioner emphasizes that an exemption will enable it to timely meet its shippers' needs.

Petitioner's requests are well grounded. We see no reason to deny this motor contract carrier the savings to be realized from a tariff filing exemption.[1] It appears that the exemption of this carrier from the requirements that it file a tariff covering its existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that it file tariffs governing its future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for this carrier and its shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We, therefore, provisionally grant petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval should be made final.

This decision does not appear to have a significant effect on either the human environment or conservation of energy resources. However, comments may be submitted on these issues.

Authority: 49 U.S.C. 10702(b) 10761(b) and 10762(f).

Decided: April 4, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor concurred in part and dissented in part with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Taylor, concurring in part and dissenting in part:

I would grant the provisional exemption only as it applies to existing, not future, contracts.

[FR Doc. 83-9366 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

[1] A proceeding to investigate the exemption of motor carriers on an industry-wide basis has been instituted in Ex Parte No. MC–165, Exemption of Motor Contract Carriers from Tariff Filing Requirements, 47 FR 57303 (December 23, 1982).

[2] See No. 38983, Red & Tan Tours, Petition for Exemption from Tariff Filing Requirements (not printed) decided February 24, 1983.

[No. 39100 et al.] [1]

Rail Carriers; Norsub, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Six motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 26, 1983. The sought relief will become final on May 11, 1983, unless, in response to timely filed adverse comments, the Commission issues a futher decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

[1] This proceeding embraces six petitions for exemption filed by motor contract carriers, as set forth in the appendix.

FOR FURTHER INFORMATION CONTACT: Elaine Dobbins (202) 275–6272, or Howell I. Sporn (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The six motor contract carries identified in the appendix filed individual petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented and the relief sought by these petitioners are substantially similar, we are consolidating them for notice purposes.

The petitioners hold a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. They argue, generally, that the tariff filing requirements represent an undue burden on their ability to compete effectively and to offer their shippers the immediate service often required. Petitioners assert that they are interested in avoiding unnecessary expenses which handicap their efforts to provide economical and efficient service. They also argue that the Motor Carrier Act of 1980 encourages the Commission to remove obstacles which keep contract carriers from realizing their full potential.

Several petitioners, (Norsub, Inc., Keenan Transit Co., and Matlack, Inc.) request that the exemptions sought apply to both existing and future contracts. Several petitioners also state that they will provide interested parties with copies of their rates if requested.

We see no reason to deny these carriers the savings to be realized from a tariff filing exemption for existing contracts. It appears that exemption of these carriers from the requirement that they file tariffs covering their existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101. We will not order these carriers to provide copies of their rates upon request by interested parties, since we have not imposed that requirement for other recent filings. See No. 38828, *Three Way Corporation, Petition for Exemption from Tariff Filing Requirements* (not printed), decided June 25, 1982.

We further conclude that an exemption is justified for future contracts and services. Previously we denied exemptions for future contracts and services. We found that because the term and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of these carriers from the requirement that they file tariffs governing their future contract operations, is warranted.[2]

We provisionally grant each petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this provisional approval ought to be withdrawn or permitted to become final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

Authority: 49 U.S.C. 10702(b), 10761(b) and 10762(f).

Decided: April 4, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix

The dockets embraced by this proceeding are as follows:

No. 39100	Norsub, Inc.
No. 39101	Keenan Transit Co.
No. 39102	Matlack, Inc.
No. 39103	Four Winds Van Lines, Inc.
No. 39106	Pacific Motor Trucking Co.
No. 39107	Bannock Paving Co., Inc.

[FR Doc. 83-9365 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

[No. 39087 et al.] [1]

Rail Carriers; Shale Auto Transport, Inc., Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Five motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 26, 1983. The sought relief will become effective on May 11, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Elaine Dobbins (202) 275–6272, or Howell I. Sporn (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The five motor contract carriers identified in the appendix filed individual petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented and the relief sought by these petitioners are substantially similar, we are consolidating them for notice purposes.

The petitioners hold a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. They argue, generally, that the tariff filing requirements represent an undue burden on their ability to compete effectively and to offer their shippers the immediate service often

[1] This proceeding embraces five petitions for exemption filed by motor contract carriers, as set forth in the appendix.

required. Petitioners assert that they are interested in avoiding unnecessary expenses which handicap their efforts to provide economical and efficient service. They also argue that the Motor Carrier Act of 1980 encourages the Commission to remove obstacles which keep contract carriers from realizing their full potential.

We see no reason to deny these carriers the savings to be realized from a tariff filing exemption for existing contracts. It appears that exemption of these carriers from the requirement that they file tariffs covering their existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101. We will not order these carriers to provide copies of their rates upon request by interested parties, since we have not imposed that requirement for other recent filings. See No. 38828, *Three Way Corporation, Petition for Exemption from Tariff Filing Requirements* (not printed), decided June 25, 1982.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of these carriers from the requirement that they file tariffs governing their future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both these carriers and the Commission. We also recognize that, for these carriers and their shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing these contract carriers to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant petitioners exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be made final.

This decision does not appear to have a significant effect on either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

Authority: 49 U.S.C. 10702(b), 10761(b), and 10762(f).

Decided: April 4, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor concurred in part and dissented in part with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Taylor, concurring in part and dissenting in part:

I would grant the relief sought for present, not future contracts.

Appendix

The dockets embraced by this proceeding are as follows:

No. 39087 Shale Auto Transport, Inc.
No. 39088 Southeast Carpet Transport, Inc.
No. 39089 Brunozzi Transfer & Truck Rental, Inc.
No. 39090 Westexpress, Inc.
No. 39091 Trans Continental Leasing, LTD.

[FR Doc. 83-9367 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protests must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-252

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N. E., Atlanta, GA 30309.

MC 167036 (Sub-3-1TA), filed April 1, 1983. Applicant: EAGLE TRANSFER, INC., 6905 N.W. 25th Street, Miami, FL 33122. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328. *General Commodities (Except Classes A and B Explosives, Household Goods, Commodities in Bulk, Those injurious to other commodities).* Between all points and places in the State of FL on shipments having a prior or subsequent movement by water, rail and/or motor. Supporting shipper(s): There are ten statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 167170 (Sub-3-1TA), filed April 1, 1983. Applicant: THOMPSON TRUCKING CO., R.R. 1, Box 57-F, Kelly Davis Rd., Richmond Hill, GA 31324. Representive: Ray Chandlar Smith, P.O. Box 497, Richmond Hill, GA 31324. *Clay, concrete, glass or stone products including, Sand, Stone, Gravel, Screening and Building Materials* between points in Ga., S.C., FL and AL. Supporting shippers, Seacoast Paving Company, Inc., P.O. Box 1782, Hilton Head Island, SC, 29925, MSC, Inc., 3090 Boundary, Beaufort, SC, 29902.

MC 164939 (Sub-3-1TA), filed April 1, 1983. Applicant: CUMBERLAND TRANSPORT COMPANY, Star Route, Box 422, Dunlap, TN 37327. Representative: R. J. Studer, 1243 Mountain Brook Circle, Signal Mountain, TN 37377. *1. Coal in bulk* from Van Buren and Sequatchie counties, TN to Chattooga, Cobb,

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

Crawford, Pickens, Polk, Stephens, Troup and Whitfield counties, GA. *On the return trips: 2. Shale aggregate* from Polk county, GA to Hamilton county, Marion county, McMinn county, TN. *3. Crushed white marble* from Pickens, GA to Marion county, TN. Supporting shippers: Sequatchie Valley Coal Corp., Star Route Box 308AA, Dunlap, TN 37327.

MC 166862 (Sub-3–1TA), filed April 1, 1983. Applicant: UNIVERSAL MOTOR EXPRESS, INC., Route 1, Gailey Road, Lavonia, GA 30553. Representative: Jimmy R. Foster (same address as applicant). *General commodities (except Classes A and B explosives, commodities in bulk and household goods as defined by the Commission),* between points in GA, NC, SC, and TX on the one hand, and, on the other, points in the U.S., (except AK and HI). Supporting shipper: Matchmaker Transportation Services, Inc., P.O. Box 240, Trumbull, CT 06611.

MC 148540 (Sub-3–4TA), filed April 1, 1983. Applicant: DIXIE GAS, INC., P.O. Box 40, Marks, MS 38646. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Anhydrous ammonia, in bulk, in tank vehicles,* from the facilities of Chemical Marketing International, Inc., at or near Memphis, TN to points in AL, AR, KY, MS and MO. Supporting shipper: Miss. Chemical Corp., P.O. Box 388, Yazoo City, MS 39194.

MC 141852 (Sub-3–2TA), filed April 1, 1983. Applicant: BILLY G. BARNETT and JOE D. BARNETT d.b.a. BARNETT BROTHERS, 442 Pemberton Dr., Pearl, MS 39208. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Sheet metal stairs and concrete stairs,* from Pearl, MS to points in AL, AR, FL, GA, LA, TN and TX. Supporting shipper: American Stair, Inc., P.O. Box 5925, Pearl, MS 39208.

MC 167174 (Sub-3–1TA), filed April 1, 1983. Applicant: HAROLD ESTES TRUCKING, Box 410, Arab, AL 35016. Representative: Harold Estes (same address as above). *Metal Tubing, Mufflers and Parts, Exhaust Pipes, and Coiled Steel,* between Haleyville, AL on the one hand and, on the other, points in IL, IN, OH, KY, TX, IA, AR, MS, LA, FL, GA, MO, SC, WI, TN, AL, MI. Supporting shipper: Grand Tubes, Inc., Route 4, Box 15–A, Haleyville, AL 35565.

MC 167172 (Sub-3–1TA), filed April 1, 1983. Applicant: H & R TRANSPORT, R.R. 1, Box 262, Ellabell, GA 31308. Representative: Ray Chandlar Smith, P.O. Box 497, Richmond Hill, GA 31324. *Lumber and Wood Products,* between points in the state of GA, SC, FL and NC. Supporting shipper: Georgia-Pacific Corporation, Southern Division, P.O. Box 105603, Atlanta, GA 30348.

MC 166780 (Sub-3–1TA), filed April 1, 1983. Applicant: SEA BRIGHT TRANSPORTATION COMPANY, 106 North Street, Wilder, KY 41071. Representative: Lewis S. Witherspoon, 2455 North Star Road, Columbus, Ohio 43221. *Contract carrier,* irregular routes: *Poly Chlorinated Bithenyls (PCB) and bulk oil transformers* from San Francisco, CA; Denver, CO; Chicago, IL; Detroit, MI; Kansas City, MO; New York, NY; Akron, OH; Cincinnati, OH; Cleveland, OH; Pittsburgh, PA; and Houston, TX, to Chicago, IL; Fort Wayne, IN; Springfield, MA; Model City, NJ; and Batavia, OH, under continuing contract(s) with Sea Bright Environmental Co., Inc. Supporting shipper: Sea Bright Environmental Co., Inc., 106 North Street, Wilder, KY 41071.

MC 145559 (Sub-3–8TA), filed April 1, 1983. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Contract carrier,* over irregular routes. *Glass containers,* from the facilities of Chattanooga Glass Company at or near Mount Vernon, OH, Corsicana, TX, Keyser, WV, Chattanooga, TN, Gulfport, MS, Baltimore, MD, Shelby, OH, and Waxahachie, TX, to points in the U.S. (except AK and HI). Restriction: Restricted to transportation under continuing contract(s) with Chattanooga Glass Company, for 270 days. Supporting shipper: Chattanooga Glass Company, 400 West 45th Street, Chattanooga, TN 37410.

MC 155916 (Sub-3–6TA), filed April 1, 1983. Applicant: ARDMORE FARMS, INC., 1915 N. Woodlawn Blvd., P.O. Box 183, DeLand, FL 32720. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. *Canned and frozen fruits and vegetables,* from points in ID, WA, OR, and CA to points in AL, FL, GA, NC, SC and TN. Supporting shipper: F.A.B., Inc., 6400 Atlantic Blvd., Suite 140, Norcross, GA 30071.

MC 163527 (Sub-3–4TA), filed April 1, 1983. Applicant: R & J ASSOCIATES, INC., 131 Maplewood Ave., Thomasville, NC 27360. Representative: Richard A. Hicks (same address as applicant). *Nails and Steel Wire,* between Winston Salem, NC on the one hand, and on the other Jacksonville, FL, New Orleans, LA, Shreveport, LA, Greenville, MS, Fort Smith, AR, Dallas, TX, Houston, TX, Oklahoma City, OK, Andrews, SC, Knoxville, TN, Louisville, KY, Philadelphia, PA, Baltimore, MD, Richmond, VA, Memphis, TN, Charleston, WV. Supporting shipper: Federal Nail Manufacturing Co., Inc., P.O. Box 605, Winston Salem, NC 27102.

MC 167006 (Sub-3–1TA), filed April 1, 1983. Applicant: WILLIAM M. and PAMELA P. BUGG, d.b.a. P.M. TRUCKING COMPANY, Route 1, Box 119–1, Lakeside Drive, Appling, GA 30802. Representative: William M. and Pamela P. Bugg (address same as applicant). (1) *Brick and Tile* from Augusta, GA to CA, TX, FL, NC, SC; (2) *Animal Feed and Feed Supplements* between GA, and CA, TX, CO, NC, SC, LA, and FL. Supporting shippers: McDuffie Feed and Seed, Rt. 4, Box 443, Thomson, GA 30824; Horse Health Products, Inc., P.O. Box 311, Aiken, SC 29801; Mediterranean Exports, Inc., P.O. Box 2363, Augusta, GA 30903.

MC 163527 (Sub-3–3TA), filed April 1, 1983. Applicant: R & J ASSOCIATES, INC., 131 Maplewood Ave., Thomasville, N.C. 27360. Representative: Richard A. Hicks (same address as applicant). *Particleboard and fiberboard,* Between Rural Hall, N.C. on the one hand, and on the other Holly Hill, SC, Charleston, SC, Waverly, VA, and Franklin, VA. Supporting shipper: Dixie Chipboard Company, Inc., P.O. Box 516, Rural Hall, NC 27045.

MC 167177 (Sub-3–1TA), filed April 1, 1983. Applicant: C. M. MIDDLETON PRODUCE, INC., P.O. Box 171, Loxley, AL 36551. Representative: C. M. Middleton (same address as applicant). *Contract:* Irregular: *Anhydrous Ammonia,* from Pascagoula, MS, to Atmore, Foley, Loxley, Robertsdale, AL. Supporting shipper: Estech, Inc., 340 Interstate North Pky., Suite 150, Atlanta, GA 30339.

MC 166979 (Sub-3–1TA), filed March 21, 1983. Applicant: FERGUSON TRANSPORT, INC., d.b.a. EASTERN CHARTERS/TOURS, 106 Lucy Circle, Warner Robins, GA 31093. Representative: Paul Felty, P.O. Box 2216, Warner Robins, GA 31099. *Passengers and their baggage in special and charter operations* over irregular routes between points in GA on the one hand, and on the other hand, points in FL, TN, SC, NC, VA, WV, DE, CT, DC, MD, NY, AZ, CO, LA, KY, NJ, PA, AL, MS, IN, MI, IL, MA, OK, MO, and OH. There are 11 supporting statements attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 128117 (Sub-3–15TA), filed March 28, 1983. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative:

Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *New furniture,* between points in McMinn County, TN, on the one hand, and, on the other, points in TX. Supporting shipper: Athens Furniture, Inc., Box 929, #10 Matlock Road, Athens, TN 37303.

MC 166969 (Sub-3–1TA), filed March 28, 1983. Applicant: YORK TRANSPORTATION, INC., Route 5, Box 159A, Rock Hill, SC. 29730. Representative: Fred L. Boyd (same address as applicant). *General commodities (except Classes A & B explosives, household goods, and commodities in bulk)* between points in NC and SC, on the one hand, and, on the other, points in the US (except AK and HI). Supporting shippers: There are six statements in support of this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 16717 (Sub-3–1TA), filed March 29, 1983. Applicant: HARLIN TRUCKING CO., Rt. 2, Box 247, Roanoke, AL 36274. Representative: Anthony L. Keenan, 1385 Iris Dr., Conyers, GA 30208. *Crushed stone, gravel, asphalt (plant mix), sand, dirt, and all types of road building materials* between LaGrange, GA; Columbus, GA; Roanoke, AL; Auburn, AL; Anniston, AL; and West Point, GA under continuing contracts with Kline Hicks & Sons, E.S.I. Contractors, Inc., and Starr & Sons, Inc. Supporting shipper(s): Kline Hichs & Sons, P.O. Box 14, Rock Mills, AL 36274; E.S.I. Contractors, Inc., Rt. 1, Box 1, Wadley, AL; and Starr & Sons, Inc., Rt. 1, Box 61, Auburn, AL.

MC 167119 (Sub-3–1TA), filed March 30, 1983. Applicant: HARRIS CORPORATION, 1025 W. Nasa Blvd., Melbourne, FL 32919. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. *Contract:* Irregular. *Printing equipment and materials, equipment and supplies used in their production, installation and distribution* between Champlain, NY; Elyria, Dayton and Cleveland, OH; Grapevine and Kennedale, TX; Dover, NH; Pawcatuck, CT and Palm Bay, FL and points in their commercial zones, on the one hand, and, on the other, points in the U.S. (including AK but excluding HI) Under continuing contract(s) with Harris Graphics Corporation of Melbourne, FL. Supporting shipper: Harris Graphics Corporation, Corporate Headquarters, Melbourne, FL 32919.

MC 162614 (Sub-3–1TA), filed March 30, 1983. Applicant: KENDALL TRUCKING AND GRADING, INC., Route 2, Box 18E, Wadesboro, NC 28170. Representative: Barry Weintraub, Suite 403, 7700 Leesburg Pike, Falls Church, VA 22043. *Contract,* irregular: *Building materials and commodities in bulk* between NC on the one hand, and, on the other points in SC under continuing contract with Southeastern Asphalt and Concrete Company, Inc. of Rockingham, NC. Supporting shipper: Southeastern Asphalt & Concrete Co, Inc., U.S. Highway 1, North, Rockingham, NC 28379.

MC 159141 (Sub-3–2TA), filed March 30, 1983. Applicant: RANDEL LANCE, d.b.a. M & R PRODUCE DISTRIBUTORS, 1437 Angus Trail, Marietta, GA 30060. Representative: James M. Parrish, P.O. Box 1365, 751 Kiowa Dr., N.E., Marietta, GA 30061. *Foodstuffs, frozen, Bacon, Beef, Cheese, Ham, Meat, boxed, Pepperoni, Salami and Sausage,* from the plant site of Doskocil Sausage Co., at or near Hutchinson, KS, to Atlanta, GA, Charlotte, NC, Greenville, SC, Montgomery, AL, Orlando, FL, and Lakeland, FL: and from Lakeland, FL, to Atlanta, GA, and Hutchinson, KS. Supporting shipper: Doskocil Sausage Co., 321 North Main Street, Hutchinson, KS 67505.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub–No. 4–66TA), filed March 22, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods,* between points in the United States, under a continuing contract with Diasonics, Inc., of Milpitas, CA. Supporting shipper: Diasonics, Inc., 1545 Barber Lane, Milpitas, CA 94035.

MC 15735 (Sub–No. 4–67TA), filed March 22, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods,* between points in the United States, under a continuing contract with Marmon Holdings, Inc., and its subsidiaries. Supporting shipper: Marmon Holdings, Inc., 39 South LaSalle Street, Chicago, IL 60603.

MC 129863 (Sub-4–3TA), filed March 21, 1983. Applicant: FREDERICK L. BULTMAN, INC., 11144 West Silver Spring Drive, Milwaukee, WI 53225. Representative: William C. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Floor coverings,* between points in GA. Supporting shippers: Patcraft Mills, Inc., Dalton, GA; Queen Carpet Corp., Dalton, GA; Galaxy Carpet Mills, Inc., Chatsworth, GA; C & R Warehouse, Inc., Milwaukee, WI.

MC 141654 (Sub-4–2TA), filed March 21, 1983. Applicant: J. A. DADY TRUCKING, INC., Box 40, Sisseton, SD 57262. Representative: J. Michael Dady, 4200 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. *Butter* from Sisseton, SD to New Ulm, MN. Supporting shipper: Schiltz Foods, Inc., Sisseton, SD 57262.

MC 147011 (Sub-4–1TA), filed March 22, 1983. Applicant: STEVE SHAFFER TRUCKING, 633 N. Locust, Arcola, IL 61910. Representative: Harry E. Hills & Assoc., 1 Shafer Dr., Forsythe, IL 62535; (217) 875–3880. *General Commodities* between Chicago, IL and its commercial zone, St. Louis, MO., Indianapolis, IN., Memphis, TN., Kansas City, MO and KS and their commercial zones on the hand, and on the other, points in IN, IL, IA, MO, KS, OH, TN, KY, MI, WI, TX, and AR. Supporting shipper: Joan of Arc Co., 2231 W. Altorfer Dr., Peoria, IL 61615.

MC 156517 (Sub-4–4TA), filed March 22, 1983. Applicant: GILLIAM TRUCKING, INC., Rural Route 31, P.O. Box 9, Terre Haute, IN 47803. Representative: Thomas M. O'Brien, Sullivan & Associates, Ltd., 180 North Michigan Avenue, Suite 1700, Chicago, IL 60601. *Such commodities as are dealt in or used by manufacturers of printed matter and containers,* from Vigo County, IN and Cook County, IL to points in CA. Supporting shippers: the Form House, Inc., 1916 Laramie, Cicero, IL 60650; Ivy Hill Packaging, P.O. Box 3189, Terre Haute, IN 47802.

MC 159718 (Sub-4–1TA), filed March 22, 1983. Applicant: BULK TRANSPORT CO. OF ESSEXVILLE, INC., 1500 Pine Street, Essexville, MI 48732; (517) 893–4593. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801; (616) 941–5313. *Chemicals and related products and rubber and plastic products* from Midland and Ludington, MI to points in AL, AR, CT, CO, IL, IN, IA, GA, KY, ME, MN, MS, MO, NJ, NY, NC, OH, PA, TN, TX, VA, WV, WI, RI and OK, restricted to shipments originating at the facilities of Dow Chemical, U.S.A. Supporting shipper: Dow Chemical Company, Michigan Division, 47 Building, Midland, MI 48640.

MC 165292 (Sub-4–1TA), filed March 21 1983. Applicant: SUN-UP TRUCK LINE, INC., 350 Thistle Drive, Bollingbrook, IL 60439. Representative: Albert A. Andrin, 180 North La Salle, Street, Chicago, IL 60601; (312) 332–5106. (1) *Animal feed ingredients,* between Hampshire, IL and points in IA, MN and OH; (2) *Iron and steel products,* between Amarillo, TX, Atlanta, GA, Austin, TX,

Birmingham, AL, Butler, PA, Charlotte, NC, Dallas, TX, El Paso, TX, Ft. Worth, TX, Houston, TX, Kansas City, KS, Kansas City, MO, Lamont, IL, New Orleans, LA, Oklahoma City, OK, Philadelphia, PA, Rapid City, SD, St. Louis, MO, San Antonio, TX, Tulsa, OK, Waco, TX and Wichita Falls, TX; and (3) *Railway track material,* between Chicago Heights, IL and points in and east of ND, SD, NE, KS, OK and TX. Supporting shippers: Borden Inc., Pet-Ag Division, 201 Keyes Avenue, Hampshire, IL 60140; Marmon Keystone Corp., 10700 Marmon Drive, Lemont, IL 60439; and Abex Corporation R.P.G., 11th and Washington Streets, Chicago Heights, IL 60411.

MC 166953 (Sub-4–1TA), filed March 21, 1983. Applicant: THOMAS M. COX d.b.a. WESTERN PRODUCE CARRIERS, 1160 Porter Street, Clearwater, MN 55320. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Beekeeping supplies and specialty wood products,* between Walla Walla County, WA, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contract(s) with Strauser Bee Supply, Inc. of Walla Walla, WA. Supporting shipper: Strauser Bee Supply, Inc., 3rd & C Street, Walla Walla, WA 99362.

MC 166978 (Sub-4–1TA), filed March 22, 1983. Applicant: T.A.C., INC., 9350 Seven Mile Road, McBain, MI 49657. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933; (517) 482–2400. *Agricultural chemicals, supplies and equipment,* and *building materials,* between points in MI, on the one hand, and, on the other, points in OH, IL, IN, PA, and NE. Supporting shippers: Evans & Retting Lumber Company, Inc., P.O. Box 378, 1605 Mitchell Street, Cadillac, MI 49601; Falmouth Cooperative Company, Inc., 260 E. Prosper Road, Falmouth, MI 49632; and Ellens Equipment, Inc., 104 W. Maple, McBain, MI 49657.

MC 116791 (Sub-4–2TA), filed March 29, 1983. Applicant: FARMERS ELEVATOR OF KENSINGTON, MINNESOTA, INC., P.O. Box 184, Kensington, MN 56343. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Twine,* between points in Douglas County, WI; St. Louis County, MN, and the St. Paul/Minneapolis Commercial Zone, on the one hand, and, on the other, points in IA, MN, MT, ND, SD, and WI. Supporting shipper: Twine Producers Sales, Inc., 11563 K-Tel Drive, Hopkins, MN 55343.

MC 147636 (Sub-4–6TA), filed March 29, 1983. Applicant: LARRY E. HICKOX d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 60420. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. *Contract; Irregular. Meats* from points in CO, KS, MO, NE, OK, and TX to points in AZ, CA, CT, GA, IL, IN, KY, MA, MI, NJ, NY, and OH. An underlying E/T/A seeks 120 days authority. Supporting shipper: Mondi, Inc., 7373 Beechmont Ave., Suite 31W, Cincinnati, OH 45230.

MC 150621 (Sub-4–1TA), filed March 29, 1983. Applicant: TED L. CLARK d.b.a. CLARK TRUCK, P.O. Box 317, Carrington, ND 58421. Representative: Thomas J. Van Osdel, 15 Broadway, Suite 502, Fargo, ND 58102. *Contract; Irregular. Pre-fabricated log buildings,* and *materials, supplies and equipment used in the manufacture, installation, construction and distribution of pre-fabricated log buildings,* (except commodities in bulk), between the facilities of Log End Industries, Inc. located in Foster County, ND, on the one hand, and, on the other, points in MN, ND, SD, MT, WY, ID, WA, and OR, under a continuing contract(s) with Log End Industries, Inc. of Carrington, ND. An underlying ETA seeks 120 day authority. Supporting shipper: Log End Industries, Inc., 1475 S. 2nd St., Box 418, Carrington, ND 58421.

MC 165605 (Sub-4–1TA), filed March 29, 1983. Applicant: GODFREY EXPRESS, INC., 1600 Washington Ave., Alton, IL 62002. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102; (314) 421–0845. *Vegetable oil products and materials, equipment and supplies used in the manufacture, processing and distribution thereof,* between St. Louis, MO, on the one hand, and, on the other, Phoenix and Tucson, AZ, Los Angeles, CA and Albuquerque, NM. Supporting shipper: PVO International, 3400 N. Wharf St., St. Louis, MO 63147.

MC 166748 (Sub-4–1TA), filed March 29, 1983. Applicant: WILDWOOD INDUSTRIES, INC., 409 S. Center, Bloomington, IL. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. Contract irregular. *General commodities* (except Classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contracts with the Mead Corporation of Dayton, OH, its subsidiaries and affiliates. Supporting shipper: The Mead Corporation, Courthouse Plaza, N.E., Dayton, OH 45463.

MC 166935 (Sub-4–1TA), filed March 29, 1983. Applicant: MIDCOM SERVICES, INC., 1827 Walden Square, Schaumburg, IL 60195. Representative: E. H. Van Deusen, 2455 North Star Road, Columbus, OH 43221. *Such Commodities as are dealt in by a manufacturer of dairy products (except in bulk),* between the facilities utilized by Hawthorn Mellody, Inc. in WI, IL, IN, OH, PA, IA, MI, MO, MN, KY, TN, GA, FL, on the one hand, and, on the other, points in IL, IN, OH, PA, IA, MI, MO, MN, KY, TN, GA, FL, and WI. Supporting shipper: Hawthorn Mellody, Inc., 1827 Walden Sq., Schaumburg, IL 60195.

MC 167109 (Sub-4–1TA), filed March 29, 1983. Applicant: TEE CEE TRANSPORT, 3641 West 115th Street, Chicago, IL 60655. Representative: John R. Frondle, R.R. 1, Box 19, Irma, WI 54442. A *Contract* irregular *General Commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with Mobile Chemical Company, Plastics Division of Macedon, NY. Supporting shipper: Mobil Chemical Company, Plastics Division—Macedon, NY 14502.

MC 167113 (Sub-4–1TA), filed March 29, 1983. Applicant: ARTHUR HEVERMAN d.b.a. ARTHUR HEVERMAN TRUCKING SERVICE, 302 So. Wall Street, Teutopolis, IL 62567. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. *Steel,* from East Chicago, IN to Effingham, IL. An underlying E/T/A seeks 120 days authority. Supporting shipper: Fedders, U.S.A., a Div. of Fedders Corporation, 415 Wabash, Effingham, IL 62401.

MC 167116 (Sub-4–1TA), filed March 29, 1983. Applicant: VERONA CARRIERS, INC., 504 South Nine Mound Road, Verona, WI 53593. Representative: Richard D. Armstrong, 925 Hyland Drive, Stoughton, WI 53589. Contract, irregular: *Sheet Steel Buildings and Accessories* from Madison, WI to points in CT, MA, NJ, NY, OH and PA under continuing contract with Trachte Building Systems of Madison, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Trachte Building Systems, 102 No. Dickinson Street, Madison, WI 53703.

MC 129016 (Sub-4–2TA), filed March 22, 1983. Applicant: M & E Corp., P.O. Box 2097, Muncie, IN 47302. Representative: Michael D. McCormick, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204; (317) 638–1301. *Sweeteners,* in bulk and in bags, from Cincinnati, Findlay, and Fremont, OH to points in IL, IN, KY, MD, MI, MO, NJ, NY, OH, PA, and WV. Supporting shipper: The Great Western Sugar Company, 2000 Thanksgiving Tower, 1601 Elm Street, Dallas, TX 75201.

MC 139772 (Sub-4–2TA), filed March 22, 1983. Applicant: ROBERTS TRUCKING, INC., Route #1, Eldorado, WI 54932. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901. *Food and Related Products* Between Points in WI and CO on the one hand, and, on the other points in AZ, CA and CO. Supporting shippers: There are eight (8).

MC 164764 (Sub-4–4TA), filed March 22, 1983. Applicant: WHITEFORD NATIONALEASE, INC., d.b.a. DEDICATED TRUCK SERVICE, 2020 West Sample Street, P.O. Box 76, South Bend, IN 46624. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract,* irregular: *Metal products,* between Aurora and Hicksville, OH, on the one hand, and, on the other, points in and east of MN, IA, NE, KS and OK. Restricted to continuing contract(s) with Dietrich Industries, Inc., 761 West High Street, P.O. Box 265, Hicksville, OH 43526–0652.

MC 153348 (Sub-4–2TA), filed March 22, 1983. Applicant: HAROLD J. FUNK, d.b.a. FUNK TRANSPORT, 405 S. Polk St., Lancaster, WI 53813. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Common;* irregular; *petroleum and related products* between Dubuque, IA, on the one hand, and on the other hand, points within Grant County, WI. Supporting shippers: Fennimore Co-op Oil Co., 770 Lincoln St., Fennimore, WI 53809; Livingston Co-op Oil Co., Livingston, WI 53554.

MC 156517 (Sub-4–2TA), filed March 22, 1983. Applicant: GILLIAM TRUCKING, INC., Rural Route 31, P.O. Box 9, Terre Haute, IN 47803. Representative: Thomas M. O'Brien, Sullivan & Associates, Ltd., 180 North Michigan Avenue, Suite 1700, Chicago, IL 60601. *Such commodities as are dealt in or used by distributors of chemicals,* from Vigo County, IN to points in CA. Supporting shipper: Grower Service Corporation, 300 N. Fruitridge Avenue, Terre Haute, IN, 47803.

MC 158417 (Sub-4–3TA), filed March 22, 1983. Applicant: BADGER STATE WESTERN, INC., Route 1, Box 204, Owen, WI 54460. Representative: Michael J. Collins, Collins, Beatty & Krekeler, 14 West Mifflin Street, Madison, WI 53703. *Paper and related articles* from Mosinee, WI to points in AZ, CA, CO, ID, NV, OR, UT, and WY. An underlying ETA seeks 90 days authority. Supporting shipper: Mosinee Paper Corp., Pulp and Paper Division, 100 West Main Street, Wausau, WI 55501.

MC 146183 (Sub-4–2), filed March 22, 1983. Applicant: NORTH STATE TRANSIT, INC., P.O. Box 40, Troy Grove, IL 61372. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., P.O. Box 5039, Springfield, IL 62705. *Bituminous coal* from Tabor Dock, LaSalle, IL to Wisconsin Power & Fuel, Beliot, WI. An underlying ETA seeks 180 day's authority. Supporting shipper: Tabor Grain Company, a subsidiary of Archer Daniels Midland, Box 183, LaSalle, IL 61301.

MC 166717 (Sub-4–1TA), filed March 22, 1983. Applicant: THUNDER ROAD LIQUOR DELIVERY, INC., 7979 N. Williams Road, St. Johns, MI 48879. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933; (517) 482–2400. *Contract;* irregular; *Metal and metal products* between Ingham County, MI, on the one hand, and, on the other, various points in the U.S. under continuing contract(s) with Efficiency Production, Inc., of Okemos, MI. An underlying ETA seeks 120-day authority. Supporting shipper: Efficiency Production, Inc., 2360 E. Jolly Road, Okemos, MI 48864.

MC 166967 (Sub-4–1TA), filed March 22, 1983. Applicant: CARE-FREE STEEL HOME CORP. d.b.a. CARE-FREE TRANSIT, Highway 41 and CTH D, Route 1, Allenton, WI 53002. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *building products and such commodities as are dealt in, sold or used by manufacturers of such products* between points within WI on the one hand and on the other hand points within IA, IL, IN, KY, MI, MN and MO. Restriction: restricted to transportation performed under continuing contract(s) with Jack Walters & Sons, Corp. and Walter Square Post Buildings. Supporting shippers: Jack Walters & Sons, Corp., Highway 41 & D, Route 1, Allenton, WI 53002; Walter Square Post Buildings, Highway 45 South, Fairfield, IL.

MC 166972 (Sub-4–1TA), filed March 22, 1983. Applicant: HAROLD EUGENE SCHAMBERGER d.b.a. SCHAMBERGER TRUCK SERVICE, 407 South Ward Street, Stockton, IL 61085. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *Scrap metal,* from Rockford and Stockton, IL, to points in IN, IA, and WI. Supporting shipper: Atwood Vacuum Machine Company, 1400 Eddy Avenue, Rockford, IL 61101.

MC 166976 (Sub-4–1 TA), filed March 22, 1983. Applicant: RONALD H. SPERBERG, d.b.a. R & S TRUCKING, 2409 Woodington Way, Little Suamico, WI 54141. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086; 608–238–3119. *Dairy products, and materials, equipment and supplies used in the production and distribution thereof* between the facilities of Lov-It Creamery, Inc. at or near Green Bay, WI on the one hand and, on the other hand, points in IL, IN, MI, MN, MO, OH and PA under continuing contract(s) with Lov-It Creamery, Inc. An underlying ETA seeks 120 day authority. Supporting shipper: Lov-It Creamery, Inc., 443 North Henry Street, P.O. Box 915, Green Bay, WI 54305.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 67234 (Sub-5–49 TA; filed March 28, 1983. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Contract irregular *General Commodities* (except Classes A and B explosives and commodities in bulk) between points in the United States (including AK and HI) under continuing contract(s) with Burlington Northern, Inc. and its primary subsidiaries. Supporting Shipper: Burlington Northern, Inc. and its primary subsidiaries, St. Paul, MN.

MC 128007 (Sub-5–12 TA; filed March 29, 1983. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, P.O. Box 1979, Topeka, KS 66601. *Carbon Paper and Equipment, Materials and Supplies Used in the Manufacture, Production and Distribution of Carbon Paper,* Between Labette County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: SWC Corp., Parsons, KS.

MC 166768 (Sub-5–1TA), filed March 28, 1983. Applicant: EAGLE TOURS, INC., 501 W. Airport Fwy., Irving, TX 75062. Representative: Eugene Jackson Shields (same as above). *Passengers and baggage,* in Charter and Special Operation between points in the United States. Supporting shippers: Lover's Lane Methodist Church, Dallas, TX; McCarthy Travel, Irving, TX; U.S. Dept. of Justice, Dallas, TX.

MC 167068 (Sub-5–1TA), filed March 28, 1983. Applicant: QUALITY TRANSPORTATION, INC., 5 Par Drive, Iola, KS 66749. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612. *(1) Paper and paper related items; plastic*

items and articles; food products utilized by fast food stores; (2) Truck and trailer parts and equipment; automotive parts and accessories; twine; and articles, items, materials and supplies used in the manufacture, sale and distribution of these items. (1) Between Iola, KS, on the one hand and points in the U.S. (except AK & HI), on the other, and from points in the U.S. (except AK & HI), to Wichita, KS. (2) Between points in the Commercial Zone of Iola, KS on the one hand and points in the United States (except AK & HI) on the other hand.

MC 167074 (Sub-5–1TA), filed March 28, 1983. Applicant: GEORGE H. TRUCK LEASING CO., INC., 2463 Soundview Court, Florissant, MO 63031. Reporesentative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. *Metal products* between points in St. Louis County, MO on one hand and on the other, points in Kay County, OK, Pulaski County, AR, Davidson County, TN, Johnson County, KS, Marshall County, KY, Marion County, IN and Williamson County, IL. Supporting shipper: U.S. Steel Container Products, St. Louis, MO.

MC 167076 (Sub-5–1TA), filed March 28, 1983. Applicant: M. C. TRANSIT, INC., 129 Joyce Circle, Mead, NE 68041. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Food* and *related products* from points in IL, IA, MN, NE and WI to points in CA. Supporting shipper: United Dispatch, Inc., Omaha, NE.

MC 119766 (Sub-5–1TA), filed March 9, 1983. Applicant: NATIONAL OIL & SUPPLY CO., INC. d.b.a. ELLIS TRANSPORT, 2345½ W. Kearney, Springfield, MO 65803. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804. *Gasoline, distillate fuels, diesel fuels, automotive fuels, aviation fuels, industrial fuels, distillate and residual fuels, compounded lubricating oils and petroleum solvents,* in bulk, in tank vehicles, between points in AR, CO, IA, IL, KS, LA, MO, NB, OK, TN, and TX. Supporting shippers: Wood Petroleum Company, Branson, MO; Midwest Petroleum Company, Camdenton, MO; TransChemical, Inc., St. Louis, MO.

MC 142239 (Sub-5–3TA), filed March 24, 1983. Applicant: NEBRASKA COAST, INC., 3125 So. 11th Street, Council Bluffs, IA 51501. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. (1) *Paper, stationery, and related items,* between Omaha, NE and points in the U.S. (except AK and HI). (2) *Such commodities as are used or dealt in by furniture, carpet, or appliance stores,* between Omaha, NE and Council Bluffs, IA on the one hand, and, on the other, points in the U.S. (except AK and HI). (3) *Stone, brick, fireplaces, brick veneer, and heating stoves,* between Omaha, NE on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Forms Associates LTD., Omaha, NE; Michael's Carpets & Furniture, Council Bluffs, IA; and Lumberman's Natural Stone & Brick Center, Omaha, NE.

MC 143165 (Sub-5–5TA), filed March 24, 1983. Applicant: McCLELLAND LUMBER TRANSPORTS, P.O. Box 73, Cuba, Missouri 65453. Representative: Charles W. McClelland, (same address as applicant). *Metal products,* between points in Franklin County, MO on the one hand, and, on the other, points in AR, GA, IL, IN, KY, LA, MS, NC, OK, SC, TN and TX. Supporting shipper: Bull Moose Tube Co., Gerald, MO.

MC 147087 (Sub-5–1TA), filed March 25, 1983. Applicant: W. L. GOOD TRUCKING INC., Mingo, IA 50168. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Liquid Fertilizer,* in bulk, between Polk and Story Counties, IA, on the one hand, and, on the other, points in KS, NE, and OK. Supporting shipper: Carpenter Sales, Inc., Bondurant, Iowa.

MC 150004 (Sub-5–3TA), filed March 23, 1983. Applicant: FRANK D. JAMES d.b.a. F & J LEASING, P.O. Box 13806, St. Louis, MO 63147. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102. General commodities (except Classes A & B explosives, household goods and commodities in bulk) between points in the U.S. (except AK and HI). Supporting shipper: Zenith Radio Corporation, Chicago, IL.

MC 151866 (Sub-5–3TA), filed March 24, 1983. Applicant: R. L. JONES & SONS, INC., 4900 E. 12th Street, Kansas City MO 64127. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068. *Contract,* irregular; *cosmetics and toilet preparations, and machinery, equipment, materials and supplies used in the manufacture, sale & distribution of such commodities,* between Kansas City, MO on the one hand, and, on the other hand, points and places in KS, OK, TX, AR, LA, MS, IN, IL, OH, MN, WI, UT, CO, CA, IA, NE, KY, TN, MO, WY. Supporting shipper: Blankinship Distributing, Inc., Kansas City, MO.

MC 166629 (Sub-5–1TA), filed March 25, 1983. Applicant: TRANSPORTATION SERVICES, INC., P.O. Box 962, North Little Rock, AR 72116. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Paper and Paper Products,* from the facilities of Georgia Pacific Corporation, at Crossett, AR, on the one hand, to points in MO, OK, TX and LA, on the other. Supporting shipper: Georgia Pacific Corporation Crossett, AR 71635.

MC 166850 (Sub-5–1TA), filed March 25, 1983. Applicant: ASH HAULERS, INC., 1 Innwood Circle, Suite 217, Little Rock AR 72211. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Contract irregular; *fly ash and bottom ash* between points in Jefferson and Independence Counties, AR, on the one hand, and, on the other, points in MO, TN, MS, and LA (Restricted: to movements under continuing contract(s) with Chem-Ash, Inc., Little Rock, AR.)

MC 166851 (Sub-5–1TA), filed March 17, 1983. Applicant: NICHOLS CONSTRUCTION CORPORATION, P.O. Box 2750, Baton Rouge, LA 70821. Representative: John Schwab, P.O. Box 3036, Baton Rouge, LA 70821. *Construction equipment and accessories thereto; plant process equipment including but not limited to vessels, exchangers, compressors, pumps, except pipe; electrical transformers; and, other commodities which because of their size or weight require special handling or equipment, except mobile homes or modular housing,* from, to and between points in AL, FL, GA, LA, MS, and TX. Supporting shippers: 17.

MC 166963 (Sub-5–1TA), filed March 23, 1983. Applicant: FARMERS INTERNATIONAL TRANSPORTATION CORP., 8565 Harbach, Des Moines, IA 50311. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Lumber, plywood, particleboard and treated posts,* from points in AR, LA, OK and TX to points in IA, IL, MO and NE. Supporting shipper: Cimarron Lumber & Supply Co., Kansas City, Mo.

MC 166983 (Sub-5–1TA), filed March 23, 1983. Applicant: EUGENE CARLYN JOHANNINGMEIER d.b.a. THE "J" LINE, R.R. #1, Box 94, Luana, IA 52156. Representative: Carl E. Munson, P.O. Box 796, Dubuque, IA 52001. (1) *Lumber and wood products,* from, at or near Janesville and Prairie du Chien, WI, to points in IL, IN, IA, MI, MN, ND and SD; and (2) *Metal products,* from points in the Chicago, IL, commercial zone, Pittsburgh, PA, Beloit and Milwaukee, WI, to Marquette, IA. Supporting shipper: Bituma-Stor, Inc., Marquette, IA.

MC 167015 (Sub-5–1TA), filed March 24, 1983. Applicant: AMERICAN COMMODITY CORPORATION, P.O. Box 699, Marshall, MO 65340.

Representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, MO 64105–1961. (1) *Fertilizer, animal feed, feed ingredients and grain products,* between AR, MO, KS, CO, IA, IL, IN, MN, TN, WI, MI, NE, WY, NM, KY, OH, OK, TX, AL, LA and MS; and (2) *clay products,* between Thomas County, GA, and Tippah County, MS, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, OH, PA and WI. Supporting shippers: 7.

MC 167016 (Sub-5–1TA), filed March 25, 1983. Applicant: QUALITY DELIVERY SERVICE, INC., 10508 Goodnight Lane, Dallas, TX 75220. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *General Commodities* (except classes A and B explosives, household goods or bulk commodities) between Dallas and Tarrant Counties, TX on the one hand, and, on the other, points in AR, LA, OK and TX. Restricted to shipments having a prior or subsequent movement by rail or water carrier. Supporting shippers: 6.

MC 167018 (Sub-5–1TA), filed March 24, 1983. Applicant: WWC TRUCKING, INC., Box 788, Watonga, OK 73772. Representative: William P. Parker, P.O. Box 54657, Oklahoma City OK 73154. *Metal products,* between Watonga and Canton, OK on the one hand, and, on the other, points in AR, CO, KS, and TX. Supporting shipper: Delhi Pipeline Company, Watonga, OK.

MC 167051 (Sub-5–1TA), filed March 25, 1983. Applicant: JERRY LEE WILSON AND BEVERLY O. WILSON d.b.a. HERMITAGE EXPRESS, Rt. 1, Box 82, Brookline, MO 65619. Representative: Jerry Lee Wilson, (same address as applicant). *General commodities, except classes A and B explosives, used household goods, and commodities in bulk,* between Bolivar, Buffalo, Fair Grove, Galmey, Hermitage, Louisburg, Nemo, Pittsburg, Polk, Preston, Springfield, Tunas, Urbana, and Wheatland, MO, and their commerical zones. Supporting shippers: (10).

MC 147085 (Sub-5–2TA), filed March 31, 1983. Applicant: SIMON FEED STORE INC., P.O. Box 8, Farley, IA 52046. Representative: Carl E. Munson, P.O. Box 796, Dubuque, IA 52001. *Fertilizer and fertilizer ingredients,* from points in Jo Daviess County, IL to points in IA and WI. Supporting shipper: N–REN Corporation, St. Paul Ammonia Products Division, East Dubuque, IL.

MC 166149 (Sub-5–2TA), filed April 1, 1983. Applicant: WORTH INDUSTRIAL EQUIPMENT, INC., 206 East Mill Street, Butler, MO 64730. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Hides and trimmings,* between Butler, MO, on the one hand, and, on the other, points in AZ, CA, CO, FL, IA, IL, KS, KY, IA, ME, MA, MI, MN, NE, NY, ND, OH, OK, PA, TN, TX, WV, WI and WY. Supporting shipper: Cox Hide Co, Butler, MO.

MC 167071 (Sub-5–1TA), filed March 31, 1983. Applicant: CHARLES POGUE TRUCKING, INC., P.O. Box 669, Jonesboro, LA 71251. Representative: Brian Brewton, P.O. Drawer 1375, Winnfield, LA 74483. Contract irregular treated and untreated timber products under a continuing contract with Crown Zellerbach Corporation from LaSalle Parish, LA to points in TX, OK, MS, AL, and AR.

MC 167161 (Sub-5–1TA), filed March 31, 1983. Applicant: BROWN'S TRUCKING, P.O. Box 1024, Cleveland, TX 77327. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706. Contract, Irr.; *Lumber, Plywood and Particleboard,* between Bon Weir, TX, Cleveland, TX and Silsbee, TX, on the one hand, and on the other, La Porte, TX, Houston, TX, Port Arthur, TX and Lake Charles, LA, under continuing contract with Kirby Forest Industries, Inc., Silsbee, TX.

MC 167183 (Sub-5–1TA), filed April 1, 1983. Applicant: CONVOY SYSTEMS, INC., 6716 Berger, Kansas City, KS 66111. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612. *Paper, paper products and related items* between points and places in the Kansas City, KS Commercial Zone, on the one hand, and points in the U.S. (except AK & HI) on the other. Supporting shipper: Graphic Technology, Inc.

MC 167186 (Sub-5–1TA), filed April 1, 1983. Applicant: PETROLEUM SALES & TRANSPORT, INC., 603 W. 2nd Street, Atlantic, IA 50022. Representative: James M. Hodge, 3730 Ingersoll, Des Moines, IA 50312. *Agricultural chemicals, fertilizers and petroleum products* from Omaha, Blair, La Platte, Greenwood and Plattsmouth, NE to points in IA. Supporting shipper: Pellett Petroleum Company, Inc., Atlantic, IA.

Agatha L. Mergenovich,
Secretary.

[FR Doc 83-9358 Filed 4-8-83; 8:45 am]
BILLING CODE 7035-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-29]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NAC Aeronautics Advisory Committee, Ad Hoc Informal Advisory Subcommittee on Simulation Validation/Fidelity for NASA Simulators.

DATE AND TIME: April 19, 1983, 8 a.m. to 5 p.m.; April 20, 1983, 8:30 a.m. to 5 p.m.; April 21, 1983, 8 a.m. to 12 noon.

ADDRESS: Ames Research Center, Building 200, Committee Room, Moffett Field, California 94035.

FOR FURTHER INFORMATION CONTACT: Dr. Melvin Montemerlo, National Aeronautics and Space Administration, Code RTH–6, Washington, D.C. 20546; (202/755–2494).

SUPPLEMENTARY INFORMATION: This ad hoc informal subcommittee was formed to assess current needs and capabilities in the area of simulation fidelity and validity assessment, and to recommend necessary actions to correct identified deficiencies. The subcommittee, chaired by Mr. Duane T. McRuer, is comprised of thirteen members. The meeting will be open to the public up to the seating capacity of the room (approximately 46 persons, including the subcommittee members and participants). The meeting of the Ad Hoc Informal Advisory Subcommittee on Simulation Validation/Fidelity for NASA Simulators is necessary at this time in order to provide sufficient time for the Subcommittee recommendations and actions to be distributed to, and reviewed by, the Informal Subcommittee on Aircraft Controls and Guidance prior to their planned meeting in May 1983.

Type of meeting: Open.

Agenda: April 19, 1983:

8 a.m.—Introduction and Subcommittee Goals.
9 a.m.—NASA Simulation Fidelity Assessment Experience.
3 p.m.—Air Force Simulation Fidelity Assessment Experience.
4 p.m.—Fundamental Human Factors Issues.
5 p.m.—Adjourn.

April 20, 1983:

8:30 a.m.—Fundamental Fidelity and Validation Issues.
10 a.m.—General Discussion.
5 p.m.—Adjourn.

April 21, 1983:

8 a.m.—Subcommittee Report and Recommendations.
12 Noon—Adjourn.

Dated: April 4, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83-9323 Filed 4-8-83; 8:45 am]

BILLING CODE 7510-01-M

[Notice 83-30]

NASA Advisory Council (NAC), Life Sciences Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Life Sciences Advisory Committee (LSAC).

DATE AND TIME: April 29-30, 1983, 8:30 a.m. to 5 p.m. each day.

ADDRESS: NASA Headquarters, Room 226-A, 600 Independence Ave. SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. William P. Bishop, Code EB-3, National Aeronautics and Space Administration, Washington, DC 20546; (202/755-9220).

SUPPLEMENTARY INFORMATION: The Life Sciences Advisory Committee consults with and advises the Council and NASA on the accomplishments and plans of NASA's Life Sciences Programs. The Committee, chaired by Peter Dews, is comprised of 12 members. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including Committee members and participants).

The Committee will discuss planning activities, space adaptation syndrome initiatives, and cardiovascular topics.

TYPE OF MEETING: Open. April 29, 1983:

8:30 a.m.—Committee Business.
9 a.m.—Reports and Discussion on Planning.
1:30 p.m.—Report on Space Adaptation Syndrome Initiative.
5 p.m.—Adjourn.

April 30, 1983:

8:30 a.m.—Presentation on Cardiovascular Topics.
1:30 p.m.—Committee Discussions.
5 p.m.—Adjourn.

Dated: April 5, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83-9324 Filed 4-8-83; 8:45 am]

BILLING CODE 7510-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM—FRL 2343-2]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers, Office of Standards and Regulations, Information Management Section (PM-223), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Solid Waste Programs

Title: Uniform Hazardous Waste Manifest for Generators and Transporters (EPA ID 0801).

Abstract: Generators must prepare a manifest for each load of hazardous waste transported, with a copy for each handler and one for return to the originator as confirmation of delivery. The facility must retain its copy for three years.

Respondents: Generators and transporters of hazardous waste and hazardous waste facilities.

No agency forms under review were cleared by OMB between March 22 and March 29, 1983.

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), 401 M Street, SW., Washington, D.C. 20460

and

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: April 1, 1983.

John Warren,

Chief, Statistical Policy Staff.

[FR Doc. 83-9251 Filed 4-8-83; 8:45 am]

BILLING CODE 6560-50-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-31]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Advisory Subcommittee on Space Power and Electric Propulsion.

DATE AND TIME: May 4-5, 1983, 9 a.m. to 5 p.m.; May 6, 1983, 9 a.m. to Noon.

ADDRESS: Langley Research Center, National Aeronautics and Space Administration, Building 1192C, Room 124, Hampton, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Jerome P. Mullin, National Aeronautics and Space Administration, Code RSE, Washington, DC 20546 (202/755-2306).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Space Power and Electric Propulsion was established to provide guidance and direction to the Space Energy Systems research and technology programs of NASA's Office of Aeronautics and Space Technology. The Subcommittee, chaired by Mr. Jerome H. Molitor, is comprised of eight members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons, including the Subcommittee members and participants).

Type of meeting: Open.

Agenda

May 4, 1983

9:00 a.m.—Welcome and Introductory Remarks.
9:30 a.m.—Program Status.
10:00 a.m.—Space Energy Systems Long Range Plan.
2:30 p.m.—Restructured Electric Propulsion Program.
5:00 p.m.—Adjourn.

May 5, 1983

9:00 a.m.—Advanced Laser Program.
10:30 a.m.—Landmark Missions.
1:00 p.m.—Competitive Space Energy Systems Technology in the United States Market.
5:00 a.m.—Adjourn.

May 6, 1983

9:00 a.m.—Subcommittee Review Session.

10:30 a.m.—Subcommittee Remarks.
12:00 a.m.—Adjourn.

Dated: April 5, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83-9321 Filed 4-8-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at Old Post Office, 1100 Pennsylvania Ave., NW., Washington, D.C. 20506:

Date: April 27, 1983.

Time: 8:00 a.m. to 5:30 p.m.

Room: 419.

Program: This meeting will review applications submitted to the Research Program: Intercultural Panel, Division of Research Programs, for projects beginning after July 1, 1983.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83-9356 Filed 4-8-83; 8:45 am]

BILLING CODE 7536-01-M

National Council on the Humanities Advisory Committee; Meeting

April 4, 1983.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on May 4-6, 1983. The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, D.C. A session of the proposed meeting on May 4th, a portion of the morning and afternoon sessions on May 5th and the afternoon session on May 6, 1983 will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the meeting on May 4, 1983 will be as follows:

Open to the Public:

3:00 p.m.-4:00 p.m.—Challenge Grants Committee Meeting Policy Discussion—Room 415

Closed to the Public for the reasons stated above:

4:00 p.m.-5:00 p.m.—Consideration specific applications

The agenda for the sessions on May 5, 1983 follows:

Open to the Public:

8:30-9:30—Coffee for Council Members in Chairman's Conference Room—506
9:30-10:30—Committee Meetings—Policy Discussion
Education and State Programs—Room M-14
Fellowship Programs—Room M-07A
General Programs—Room 415
Research and Planning—Room 315

Closed to the Public for the reasons stated above:

10:30 till adjourn—Consideration of Specific applications

The morning session on May 6, 1983 will convene at 8:30 a.m. in the 1st Floor Council Room M-04 and will be open to the public. The agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.-9:00 a.m.).

Minutes of the Previous Meeting:

Reports

A. Introductory Remarks
B. Introduction of New Staff
C. Contracts Awarded in the Previous Quarter
D. Application Report
E. Gifts and Matching Report
F. FY 1983 Program Funds
G. FY 1984 Appropriations Request
H. FY 1985 Budget Planning
I. Study of Treasury Funds
J. Service by Council Members on State Committees
K. Report from the Public Affairs Office
L. Committee Reports on Policy and General Matters:
a. General Programs
b. Research Programs
c. Planning and Assessment Studies
d. Fellowship Programs
e. Education Programs
f. Challenge Grants
g. State Programs

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code 202-786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83-9357 Filed 4-8-83; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Astronomical Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science

Foundation announces the following meeting:

Name: Advisory Committee for Astronomical Sciences.

Dates: April 28 and 29, 1983.

Time: 9:00 a.m. 5:00 p.m.

Place: April 28—Room 1141 National Science Foundation, April 29—Room 543 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Dr. Laura P. Bautz, Director, Division of Astronomical Sciences, Room 615, National Science Foundation, Washington, D.C. 20550, telephone: (202) 357–9488.

Summary Minutes: May be obtained from the contact person at the above address.

Purpose of Committee: To provide advice and recommendations concerning research in astronomy with the objective of achieving the highest quality forefront research for the funds allocated. To provide advice and recommendations concerning long range plans in astronomy.

Agenda:

April 28, 1983

9 a.m.–5 p.m.: Introductory Remarks, NTT Technology Development Progress Report, Report of mm/Sub-mm Wave Subcommittee, FY 85 Opportunities for Programs of Division of Astronomical Sciences.

April 29, 1983.

9 a.m.–5 p.m.: Continuation of presentations and discussions of previous day.

Dated: April 6, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-9401 Filed 4-8-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Chemistry; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Chemistry.

Date and Time: April 28–29, 1983; 9:00 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Dr. Edward F. Hayes, Director, Chemistry Division, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–7947.

Summary Minutes: May be obtained from Dr. Edward F. Hayes.

Purpose of Committee: To provide advice and recommendations concerning NSF support for research in chemistry.

Agenda: Open-General discussion of the current status and future plans of the Chemistry Division. Advisory Committee review of the oversight team reports for 1982–83.

Dated: April 6, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-9403 Filed 4-8-83; 8:45 am]

BILLING CODE 7555-01-M

Behavioral and Neural Sciences Advisory Panel; Subpanel on Social and Developmental Psychology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Social and Developmental Psychology of the Advisory Panel for Behavioral and Neural Sciences.

Date and Time: April 27–29, 1983: 9:00 a.m. to 5:00 p.m. each day.

Place: Room 421, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of Meeting: Open April 28—9:00 a.m.–12:00 a.m.

Closed:
April 27–9:00–5:00
April 28–1:00–5:00
April 29–9:00–5:00

Contact Person: Dr. Jean B. Intermaggio, Program Director for Social and Developmental Psychology, Room 320, National Science Foundation, Washington, D.C 20550, telephone/202–357–9485.

Summary Minutes: May be obtained from the contact person as listed above.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Social and Developmental Psychology.

Agenda: Open—April 28, 9:00 a.m.–12:00 a.m. General discussion of research trends and opportunities in Social and Developmental Psychology.

Closed—To review and evaluate research proposals 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 Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L 92–463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

Dated: April 6, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-9400 Filed 4-8-83; 8:45 am]

BILLING CODE 7555-01-M

Behavioral and Neural Sciences Advisory Panel; Subpanel for Neurobiology Group "C"; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Neurobiology of the Advisory Panel for Behavioral and Neural Sciences.

Date and Time: April 27, 28, 29, 1983: 9:00 a.m. to 5:00 p.m. each day.

Place: Room 523, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of Meeting: Open 1:00 p.m. to 3:00 p.m., April 28; Closed 9:00 a.m. to 5:00 p.m. April 27 and 29.

Contact Person: Dr. Michael Oberdorfer, Staff Associate, Sensory Physiology & Perception Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–7428.

Summary Minutes: May be obtained from the Contact Person, Dr. Michael Oberdorfer at the address listed above.

Purpose of Panel: To provide advice and recommendations concerning support for research in developmental neurosciences.

Agenda: Open—General discussion of current status and future plan of the Developmental Neurosciences.

Closed—To review and evaluate research proposals 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: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-9402 Filed 4-8-83; 8:45 am]

BILLING CODE 7555-01-M

Subpanel on Political Science of the Advisory Panel for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Political Science of the Advisory Panel for Social and Economic Science.

Date and Time: April 28 and 29, 1983, 9:00 a.m. to 5:00 p.m.

Place: Room to be announced, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Persons: Dr. Frank P. Scioli, Jr., Acting Program Director and Dr. William Mishler, Associate Program Director, Political Science Program, Washington, D.C. 20550, Telephone (202) 357–7534.

Purpose of Subcommittee: To provide advise and recommendations concerning research in Political Science.

Agenda: Closed: to review and evaluate research proposals 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: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

Dated: April 6, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-9396 Filed 4-8-83; 8:45 am]

BILLING CODE 7555-01-M

Subpanel on Regulation and Policy Analysis Advisory Panel for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Regulation and Policy Analysis of the Advisory Panel for Social and Economic Science.

Date and Time: April 29, 1983—9:00 a.m. to 5:00 p.m.; April 30, 1983—9:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G St., NW (Rm. 1240), Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Laurence C. Rogenberg, Program Director Regulation and Policy Analysis, National Science Foundation, Washington, DC 20550, Room 310, Phone (202) 357–7417.

Purpose of Subpanel: To provide advice and recommendations concerning support for research in Economics.

Agenda: To review and evaluate research proposals 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 Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Dated: April 6, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-9399 Filed 4-8-83; 8:45 am]

BILLING CODE 7555-01-M

OFFICE OF MANAGEMENT AND BUDGET

Privacy Act of 1974; Guidelines on the Relationship of the Debt Collection Act of 1982 to the Privacy Act of 1974

AGENCY: Office of Management and Budget.

ACTION: Issuance of guidance on implementing the Privacy Act of 1974.

SUMMARY: This document provides guidance on how the provisions of Pub. L. 97–365, the Debt Collection Act of 1982, affect the Privacy Act of 1974.

EFFECTIVE DATE: March 30, 1982.

FOR FURTHER INFORMATION CONTACT: Robert N. Veeder, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503; telephone (202) 395–4814.

SUPPLEMENTARY INFORMATION: The Debt Collection Act of 1982 affects the Privacy Act of 1974 in several significant ways, e.g., by authorizing the collection of the Social Security Number in certain instances, by providing a new general disclosure authority in section (b), and by providing other authorities for disclosure of personal information from agencies' systems of records to improve the efficiency of agencies' efforts to collect outstanding debts. These Guidelines are provided to assist agencies in understanding what changes were effected and how to apply the new provisions.

The Guidelines were signed by the Director of OMB on March 30, 1982, and became effective on that date. Their text is set forth below.

Candice C. Bryant,

Acting Deputy Associate Director for Administration.

[M–83–11]

March 30, 1983.

Memorandum for the Executive Departments and Establishments

Subject: Guidelines on the Relationship Between the Privacy Act of 1974 and the Debt Collection Act of 1982

From: David A. Stockman, Director

The following guidance is issued to explain how the disclosure provisions of the Debt Collection Act of 1982 (Pub. L. 97–365), affect agencies' implementation of the Privacy Act of 1974. This guidance supplements the Office of Management and Budget "Privacy Act Guidelines" issued on July 9, 1975 (**Federal Register**, Volume 40, Number 132, pp. 28949–28978). Additional supplements will be issued as needed.

Questions or comments may be addressed to the Office of Information and Regulatory Affairs, Information Policy Branch, Washington, D.C. 20503.

Implementation of the Privacy Act of 1974; Supplemental Guidance on the Relationship of the Debt Collection Act of 1982 to the Privacy Act of 1974

1. *General: The Debt Collection Act of 1982 and the Privacy Act of 1974.*

The preamble to the Debt Collection Act of 1982 (Pub. L. 97–365) clearly states Congress' intent: "To increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of [such] debts." The "additional procedures" the Act provides cover a broad range, many of which are related to the technical aspects of financial management, e.g., collecting claims by administrative offsets, establishing interest rates and penalties on indebtedness, etc. Among these procedures, however, are those which authorize agencies to disclose the names, debt information, and (in certain instances) the addresses of individuals from agency systems of records. These disclosures are intended to let agencies take advantage of debt collection techniques and services commonly used by the private sector, e.g., creditworthiness checks, disclosure of bad debt information to credit bureaus, use of private debt collection agencies.

In order to facilitate these kinds of disclosures and promote the use of these techniques and services, the Debt Collection Act contains provisions which directly affect the primary statute controlling disclosures and use of information about individuals, the Privacy Act of 1974. The Debt Collection Act:

(a) Amends the Privacy Act of 1974 to provide a new general disclosure authority, subsection (b)(12), which lets agencies disclose personal information to consumer reporting agencies.

(b) Creates a statutory authority to satisfy the conditions the Privacy Act establishes under which agencies can make disclosures under subsection (b)(3): For a "routine use." The Privacy Act requires that such disclosures be compatible with the purpose for which

the information was originally collected. The routine use disclosures which the Debt Collection Act authorizes include disclosures of taxpayer mailing addresses in certain instances, as well as disclosures of debtor information to effect administrative or salary offsets.

(c) Creates statutory authority for agencies to collect the Social Security Account Number (SSN) from applicants in certain Federal loan programs.

(d) Amends the Privacy Act to exempt consumer reporting agencies from the "contractor" provisions of the Privacy Act.

This guidance will address each of the areas listed above in detail.

2. *Definitions.*

The following definitions apply to the terms used in these guidelines:

(a) All of the definitions in the Privacy Act (5 U.S.C. 552a) apply. Among them, the following are especially relevant:

(1) The term "'individual' means a citizen of the United States or an alien lawfully admitted for permanent residence;"

(2) The term "'system of records' means a group of any records under the control of any agnecy from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;"

(3) The term "'routine use' means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected."

(b) The term "consumer reporting agency" is as defined in both the Fair Credit Reporting Act and the Debt Collection Act of 1982:

(1) "Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports * * *" (15 U.S.C. 1681a(f)); or

(2) "Any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of (I) obtaining credit or other information on consumers for the purpose of furnishing such information to consumer reporting agencies (as defined in 15 U.S.C. 1681a (f) above, or (II) serving as a marketing agent under arrangements enabling third parties to obtain such information from such reporting agencies * * *" (31 U.S.C. 3711(d)(4)).

(c) The term "debt collection agency" means a person or organization with whom the head of an agency has contracted for collection services to recover indebtedness owed to the United States, (definition inferred from the wording of section 3(f)(1) of the Federal claims Collection Act of 1966 (31 U.S.C. 3711) as added by the Debt Collection Act of 1982).

(d) The term "salary offset" means a deduction from the pay of a Federal employee or member of the Armed Forces, either active or reserve, to satisfy a debt owed the United States by that person (5 U.S.C. 5514(a)).

(e) The term "administrative offset" means "the withholding of money payable by the United States to or held by the United States on behalf of a person to satisfy a debt owed the United States by that person * * *" (31 U.S.C. 3711).

3. *Disclosing to Consumer Reporting Agencies Under Subsection (b)(12) of the Privacy Act of 1974.*

The original text of the Privacy Act contained 11 provisions under which agencies could disclose personal information from systems of records without getting the subject's consent. The Debt Collection Act of 1982 amended the Privacy Act to create a new general disclosure authority as subsection (b)(12). This subsection permits agencies to disclose information from their systems of records, without obtaining the consent of the record subject, "to a consumer reporting agency in accordance with section 3(d) of the Federal Claims Collection Act of 1966 (31 U.S.C. 3711(f))."

Given the procedural steps agencies must take to disclose under section (b)(12), it is apparent that the Congress did not intend to create as broad an authority for disclosures under this section as in other general disclosure authorities, e.g., (b)(7). In its report on a companion bill, H.R. 2811, the House Committee on Government Operations explained that "consumer reporting agency disclosures shall not be treated as general routine uses that are made applicable to all systems of records * * *. Disclosure of information to a consumer reporting agency may be made from the primary system of records containing information about the claim * * *. Disclosures may not be made indiscriminately from any system that happens to contain information about the debtor." (H. Rept. No. 42, 97th Cong. 1st Sess. 4).

To insure against indiscriminate disclosures, the Debt Collection Act places stringent limitations on the disclosure process affecting both the timing and content of the disclosure. The Act also places restrictions on who can receive the information and what that recipient can do with it. Thus:

(a) *Timing of Disclosures Made Under Subsection (b) (12):* Such disclosures can be made only when a claim is *overdue*, and then, only after certain due process steps have been taken to notify the debtor and give him or her a chance to meet the terms of the debt. It should be emphasized that agencies cannot use subsection (b)(12) to disclose information about a debtor who is currently meeting the terms of his debt. The disclosure must be authorized by an agency head or designee.

Note that a "claim" in this context means any obligation to the United States arising under any statutory authority except the Internal Revenue Code, the Social Security Act or the U.S. tariff laws. The Treasury Department, for example, could not use (b)(12) to disclose information about a taxpayer's delinquent account.

(1) *Due Process Steps Agencies Must Take Before Disclosing: Validation.* The agency head or designee must have reviewed the claim and found it to be valid and overdue. This is also consistent with the requirements of the Privacy Act that before disclosing information from systems of records to third parties who are not subject to the Act's provisions, reasonable steps be taken to insure that the information is accurate, complete, timely and relevant for agency purposes (5 U.S.C. 552a(e)(6)). Agencies are reminded that the Privacy Act provides civil remedies for individuals who are harmed by wrongful agency actions in this area.

Notification. The agency head or designee must have sent the debtor written notice that the claim is overdue, that the agency intends to disclose information about the debtor to a consumer reporting agency, what that disclosure will consist of, and what the debtor's rights are with respect to the claim. The fact that an agency does not have on file a current address for the individual does not excuse it from attempting to comply with this section. It is required to "take reasonable action to locate the individual prior to disclosing any information to a consumer reporting agency * * *."

Not that the Debt Collection Act provides authority for agencies to obtain taxpayers' mailing addresses from the IRS "for purposes of locating such taxpayer to collect or compromise a Federal claim against such taxpayer." (Paragraph (2)(A) of section 6103(m) of the Internal Revenue Code of 1954).

Debtor Inaction. The debtor must have failed to do one of the following:

repaid the debt, or agreed in writing to reschedule the debt for repayment, or filed for a review of the claim.

Note that the wording of the Debt Collection Act appears to preclude the agency from making any disclosures to a consumer reporting agency if an individual files for review of the claim, and also if he or she appeals an initial decision about the claim.

Public Notice. Before making any disclosures under the authority of subsection (b)(12), agencies must have published a notice in the **Federal Register** identifying those systems of records from which they intend to disclose. This publication should be in the form of an amendment to an existing system of records notice or included in the text of the notice for a new system. For editorial consistency, it would be appropriate to locate Debt Collection disclosure notices at the end of the routine use section of the system notice; however, it should be noted that such disclosures are *not* routine uses (5 U.S.C. 552a(b)(3)), and that the notices required are not the same as those required for routine uses by section (e)(11) of the Privacy Act. Thus, the agency need not determine that disclosure meets the compatibility standard nor wait for public comments before making any disclosures. Nor should agencies submit reports to the Congress and OMB for review under subsection (o) of the Privacy Act. Because the Congress clearly intended that agencies identify each individual system from which disclosures could be made, agencies should refrain from publishing generic notices similar to "blanket" routine uses.

(b) *Content of Disclosures Made Under Subsection (b)(12):* Unlike most of the other general disclosure authorities in the Privacy Act, subsection (b)(12) disclosures are restricted to a narrow range of very specific information. The only information that may be disclosed from a system of records to a consumer reporting agency is the individual's name, address, taxpayer identification number (SSN), and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose. The legislative history of H.R. 2811 illustrates Congress' concern that disclosure be limited only to that information directly related to the identity of the debtor and the history of the claim: "Disclosures of * * * (other) information, even if used by the agency in connection with the claim, is not releasable. For example, if an individual must meet specific physical or economic conditions in order to qualify for a loan program, information about the conditions must not be disclosed. The fact that an individual has some qualifying condition may be revealed indirectly, however, through identification of the program under which the loan was made." (H. Rept. No. 42, 97th Cong. 1st Sess. 4–5).

(c) *Restrictions on Who Can Receive (b)(12) Disclosures:* In addition to limiting the amount and kind of information that may be disclosed pursuant to (b)(12), the Debt Collection Act also puts restrictions on who can receive this information. Disclosures may be made only to a "consumer reporting agency" as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), or section 3(d)(4)(A)(ii) of the Federal Claims collection Act of 1966 (31 U.S.C. 3711(a)(3)(B)). Further, before it can make any disclosures the agency is required to establish procedures for promptly notifying the consumer reporting agency that was the original recipient of the information of any substantive changes. The agency must also develop procedures for promptly updating its own information about the claim obtained from a consumer reporting agency. These procedures are designed to insure that the standards of accuracy, completeness, timeliness and relevance required by the Privacy Act are met.

(d) *Safeguards Against Recipient Misuse:* The Debt Collection Act exempts consumer reporting agencies who receive records under the provisions of (b)(12) from section (m) of the Privacy Act, and thus from criminal liability for misuse of information obtained under this disclosure authority. To insure against such potential misuse, however, agencies are required to obtain from consumer reporting agencies, prior to making any disclosures, "satisfactory assurances from each such consumer reporting agency concerning compliance by such * * * agency with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and any other Federal law governing the provision of consumer credit information * * *" It would be appropriate to incorporate assurances to this effect in service contracts between Federal and consumer reporting agencies. It should be noted that section 8(a) of the Debt Collection Act specifically forbids agencies to disclose to consumer reporting agencies mailing addresses of taxpayers obtained from the Department of the Treasury for any purpose other than allowing the consumer reporting agency to prepare a commercial credit report. Agencies' use of IRS mailing addresses will be treated in detail below.

4. Disclosure of IRS Taxpayer Mailing Addresses to Third Parties to Collect Federal Claims.

(a) *Disclosure Via Routine Use:* The Debt Collection Act amends section 6103 of the Internal Revenue Code of 1954 to permit the Secretary of the Treasury to disclose "the mailing address of a taxpayer for use by officers, employees or agents of a Federal agency for purposes of locating such taxpayer to collect or compromise a Federal claim against the taxpayer in accordance with section 3 of the Federal Claims Collection Act of 1966 (31 U.S.C. 3711)." This disclosure provision is independent of the disclosure provision in subsection (b)(12) discussed above. It operates to provide the authority for the establishment of a "routine use" disclosure of this information pursuant to subsection (b)(3) of the Privacy Act. It does so by providing a statutory basis for agencies to assume the disclosure is compatible with the purpose for which the data was originally collected. A "routine use" disclosure, then, is the appropriate mechanism for transferring taxpayer mailing address information from both IRS' as well as agencies' systems of records. The wording of the Debt Collection Act indicates that such routine use disclosures could be made from IRS to Federal agencies; from IRS to agencies, debt collection agents directly; or from Federal agencies to their debt collection agents. Note, however that nothing in the wording of the Debt Collection Act authorizes agencies to share information among themselves. Thus, information obtained by one agency for its use in locating an individual could not be furnished to another agency which seeks to locate the same individual for its own debt collection purposes.

The Department of the Treasury has published a routine use for the system of records containing taxpayer mailing addresses indicating their intention to make disclosures pursuant to this new provision in section 6103 of the Tax Code.

Agencies should likewise ensure that they have published routine uses for those systems of records from which they wish to disclose mailing address.

(b) *Restrictions on Use and Redisclosure:* Agencies should be especially mindful that the Debt Collection Act places restrictions on their use and disclosure of these addresses. In addition to the restriction discussed above against agencies' sharing information among themselves, the following limitations apply:

(1) A taxpayer's address may be disclosed to Federal agencies and their debt collection agents, but only "for purposes of locating such taxpayer to collect or compromise a Federal claim against the taxpayer * * *" Note that this wording prevents agencies form converting addresses obtained under this provision to other uses, e.g., the Department of Defense could not obtain a reservist's address in order to collect an overpayment and then use the address to update its ready reserve address file. These recipients are subject to the Privacy Act either by virture of their Federal statues or by the operation of contract.

(2) Addresses may be disclosed to consumer reporting agencies, but only to allow these agencies "to prepare a commercial credit report on the taxpayer for use" by the disclosing agency. Note that agencies should make sure they do not disclose addresses obtained from the IRS to consumer reporting agencies as part of the disclosures they make under subsection (b)(12), since disclosures made under (b)(12) are not "for the purpose of obtaining a commercial credit report." Rather, the reasons for disclosing under that provision are to encourage repayment of an overdue debt.

(3) To insure that agencies and their agents do not misuse the addresses obtained in this manner, the Debt Collection Act further amends section 6103 to make the safeguards provisions of that section apply to these recipients as well. The effect of this provision is to bring into play the penalty provisions of the Internal Revenue Code, 26 U.S.C. 7213(a)(2).

5. *Disclosing Debtor Information to Effect a Salary Offset or an Administrative Offset of a Debt.*

(a) *Establishing a Routine Use:* Sections 5 and 10 of the Debt Collection Act authorize agencies to disclose information about debtors in order to effect salary or administrative offsets. Agencies should publish routine uses pursuant to subsection (b)(3) of the Privacy Act for those systems of records from which they intend to disclose this information. Sections 5 and 10 of the Debt Collection Act comprise the necessary authority to meet the Privacy Act's "compatibility" condition.

(b) *Due Process Steps Prior to Actual Disclosure:* While providing the authority to make these kinds of disclosures, the Debt Collection Act establishes a series of procedural steps for agencies to follow to ensure due process, e.g., agency verification of the debt; written notice to the debtor; provision for debtor to examine agency documentation of the debt; provision for debtor to seek agency review of the debt (or in the case of the salary offset provision, opportunity for a hearing before an individual who is not under the supervision or control of the agency); opportunity for the individual to enter into a written agreement satisfactory to the agency for repayment. Only when all of the steps have been taken are agencies authorized to disclose pursuant to a routine use to effect an administrative or salary offset.

6. *Collecting the SSN from Federal Loan Applicants.*

(a) *Statutory Authority to Collect:* Section 4 of the Debt Collection Act requires each Federal agency that administers an "included Federal loan" program to require applicants to furnish their taxpayer identifying number. For individuals, that number is their SSN (see section 6109 of the Internal Revenue Code of 1954). This provision satisfies the Privacy Act's requirement (in section 7) that agencies must have an authorizing Federal statute in order to condition the provision of a benefit (in this case the processing of a loan application) on the applicant providing his or her SSN.

Agencies should note that this section is statutory authority only for "included Federal loan" programs. These are programs that have been identified by OMB in a **Federal Register** notice, published on December 27, 1982. (47 FR 57595).

(b) *Giving Individuals a Privacy Act Notice:* Even with statutory authority to collect the SSN, agencies must meet the notice provisions of section 7 of the Privacy Act. Specifically, application forms must contain the notice required by that section in which the individual is told:

(1) *Whether the SSN disclosure is mandatory or voluntary.* Agencies should emphasize that while applying for the benefit is a voluntary act, once an individual decides to apply, he or she must furnish the SSN as part of the application.

(2) *By what statutory authority such number is solicited.* Here, agencies should cite section 4 of the Debt Collection Act of 1982 (Pub. L. 97-365). Agencies are reminded, however, that for loan programs not identified as "included," by the OMB **Federal Register** notice cited above, agencies cannot rely on this section of the Debt Collection Act as authority to make provision of the SSN a condition of processing the application.

(3) *What uses will be made of the SSN.* Agencies should be as specific as possible in describing these uses, e.g., "to match application data with state wage information in order to verify eligibility for benefits."

Although this notice is separate from and in addition to the general notice required by section (e)(3) of the Privacy Act, agencies should consider combining the two. Care should be taken however to create a notice in which both requirements are met.

7. *Application of the "Contractor Provision" (Section (m)) of the Privacy Act to Consumer Reporting Agencies and Debt Collection Agencies.*

Section (m) of the Privacy Act provides that when an agency contracts for the operation of a system of records to accomplish an agency function, the agency must include in the terms of the contract provisions making the contractor responsible for complying with the Privacy Act. Section (m) also makes such contractors liable under the criminal provisions of the Privacy Act as "employees of the (Federal) agency."

(a) *Consumer Reporting Agencies and Section (m):* The flow of personal information from agencies' systems of records to consumer reporting agencies and back could be construed to be the operation of a system of records to accomplish an agency function. To the extent that this process was prescribed by contract, it would trigger the provisions of section (m).

Section 2(b) of the Debt Collection Act of 1982 deals with this situation by adding a new subsection ((m)(2)) which provides that "a consumer reporting agency to which a record is disclosed under section 3(d) of the Federal Claims Collection Act of 1966 (31 U.S.C. 3711(f)), shall not be considered a contractor for the purposes of this section." (5 U.S.C. 552a(m)(2)).

This exemption applies only within the context of disclosures made under subsection (b)(12) of the Privacy Act and subsection 3(d) of the Federal Claims Collection Act of 1966 as discussed above. Thus, when an agency contracts with a consumer reporting agency with the intent of disclosing personal information to it under the provisions of subsection (b)(12) and in compliance with section 3(d) of the Claims Collection Act, the terms of the contract do not have to contain provisions subjecting the contractor to the Privacy Act and the contractor is not liable under the criminal provisions of the Act as an agency employee.

(b) *Debt Collection Agencies and Section (m):* Note by contrast, that in establishing contracts for debt collection services, the wording of the Act specifically provides that these contractors "shall be subject to section 552a of title 5, United States Code, to the

extent provided in subsection (m) of that section * * *" Agencies should ensure that they have published systems of records which cover the activities of their debt collection agents.

[FR Doc. 83-9425 Filed 4-8-83; 8:45 am]
BILLING CODE 3110-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 83-021]

Chemical Transportation Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Advisory Committee (CTAC). The meeting will be held on Thursday, May 19, 1983 in Room 3201, U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, DC. The meeting is scheduled to begin at 9 a.m. and end at 4 p.m.

The agenda of the CTAC meeting consists of the following items:

1. March 1983 Memorandum of Understanding between USCG and OSHA.
2. Investigation of Occupational Health Hazards in Marine Transport.
3. CTAC Subcommittee reports:
   a. Chemical Vessels.
   b. Liquified Gas Ships.
   c. Bulk Solids.
   d. Ship Stores.
   e. Shipboard Fumigation.
   f. Waterfront Facilities.
4. Stray Currents and Electrostatics.
5. MARPOL.
6. Schedule of Ship Surveys.
7. Committee Administrative Business.

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Secretary no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Additional information may be obtained from Captain C. M. Holland, Executive Secretary, Chemical Transportation Advisory Committee, U.S. Coast Guard Headquarters (G-CMC), Washington, DC 20593, telephone number (202) 426-1477.

Dated: April 6, 1983.

C. M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Chemical Transportation advisory Committee.

[FR Doc. 83-9389 Filed 4-8-83; 8:45 am]
BILLING CODE 4910-14-M

[CGD 83-020]

Chemical Transportation Advisory Committee; Subcommittee on Chemical Vessels; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Advisory Committee's Subcommittee on Chemical Vessels to be held on Wednesday, May 18, 1983 in Room 4315, U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, DC. The meeting is scheduled to begin at 9 a.m.

The Subcommittee will review a draft revision of 46 CFR Part 151. Attendance is open to the interested public. With advance notice to the Chairma, members of the public may present oral statements at the meeting. Persons requesting additional information or wishing to present oral statements should contact Mr. R. M. Query, U.S. Coast Guard Headquarters (G-MTH-1) 2100 Second St. SW., Washington, DC 20593, (202) 426-1217. Any member of the public may present a written statement to the committee at any time.

Dated: April 6, 1983.

C. M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Chemical Transportation Advisory Committee.

[FR Doc. 83-9390 Filed 4-8-83; 8:45 am]
BILLING CODE 4910-14-M

Federal Aviation Administration

[AC No. 20-27C]

Advisory Circular for Certification and Operation of Amateur-Built Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of Advisory Circular (AC) No. 20-27C, "Certification and Operation of Amateur-Built Aircraft."

On November 15, 1982 (47 FR 51542), a proposed revision to the AC was published in the **Federal Register** for public comment. Interested persons were given until February 1, 1983, to submit their views on the proposal. The comments have been evaluated and the FAA has determined that issuance of the revised AC, incorporating a number of changes recommended by the commenters, would be in the public interest. Accordingly, notice is hereby given that AC No. 20-27C, "Certification and Operation of Amateur-Built Aircraft," was issued on April 1, 1983.

Interested persons may obtain the AC from U.S. Department of Transportation, Publications Section M-443.1, Washington, DC 20590. A copy of the FAA review and disposition of comments may be obtained from the Federal Aviation Administration, Attention: Aircraft Manufacturing Division (AWS-200), 800 Independence Avenue, SW., Washington, DC 20591.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 83-9209 Filed 4-8-83; 8:45 am]
BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 2-4 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: An evaluation for the development of special helicopter routes within terminal airspace.

DATE: Beginning May 2, 1983, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed two weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 7 A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, Room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, (202) 426-3560.

Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by April 28, 1983. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washintton, D.C. on April 1, 1983.

Karl D. Trautmann,

Manager, Special Projects Staff.

[FR Doc. 83-9175 Filed 4-8-83; 8:45 am]
BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Executive Steering Committee of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows:

Opening Remarks

Presentation of Task Group Staff Studies, including recommendations:

Task Group 1-1.3 Special Use Airspace Requirments/Separation from Special Use Airspace
Task Group 1-1.4 Flight Test Areas/ National Security
Task Group 1-2.4 Basic, Stage II, III Services
Task Group 1-3.2 Alternate Airway Reduction/Reidentification Fixed RNAV Route Evaluation
Task Group 1-6.3 Instrument Approach Procedures/Charted Visual Flight Procedures Charts
Task Group 1-7.1 U.S. Airspace Classification.

DATE: April 26, 1983, 10:00 a.m. to 4:00 p.m.

ADDRESS: The meeting will be held at the Federal Aviation Administration, room 1010, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., AAT-30 Washington, D.C. 20591 (202) 426-3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by April 19, 1983. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C., on April 5, 1983.

R. J. Van Vuren,

Executive Director, NARAC.

[FR Doc. 83-9176 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Submit comments on or before May 11, 1983.

ADDRESS: Comments to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9023-N	ANF—Industrie, Paris, France	49 CFR 173.315	To authorize shipment of various refrigerant gases in non-DOT specification IMO Type 5 portable tanks. (Modes 1, 2, 3).
9024-N	ETS Fauvet-Girel, St Laurent Blangy, France	49 CFR 173.315	To authorize shipment of various refrigerant gases in non-DOT specification IMO Type 5 portable tanks. (Modes 1, 2, 3).
9025-N	American Greetings Corporation, Cleveland, OH.	49 CFR 173.28(m)	To authorize reuse of DOT Specification 17H drums without reconditioning for shipment of ink, classed as a flammable liquid. (Mode 1).
9026-N	Continental Group, Inc., Lombard, IL	49 CFR 178.224	To manufacture, mark and sell fiber drums of not over 75 gallon capacity, comparable to DOT Specification 21C except the top head is molded plastic fastened to the sidewall by a lever locking ring. (Modes 1, 2, 3).
9027-N	McGean-Rohco, Inc., Cleveland, OH	49 CFR 178.131	To authorize a one-time reuse of DOT Specification 37A containers for shipment of chromic acid, solid and chromic acid mixture, classed as an oxidizer. (Modes 1, 2).
9028-N	Degussa Corporation, Teterboro, NJ	49 CFR 173.154, 175.3	To authorize shipment of a flammable solid, n.o.s. in a non-DOT Specification 5-ply waterproof paper bags with inside plastic bag, up to 50 pounds capacity. (Modes 1, 2, 3, 4).
9029-N	Hapag-Lloyd AG, Hamburg, Germany	49 CFR 172.101, 172.102, 176.111	To authorize under deck stowage of all corrosive liquids, n.o.s., when transported aboard cargo vessels. (Mode 3).
9030-N	IND Incorporated, Oceanside, NY	49 CFR 173.306(b)(4), 175.30	To ship an ionization chamber, having a total volume approximately 90 cubic inches of nonflammable compressed gas, and a charge pressure not exceeding 618 psi., as "limited quantity." (Modes 1, 2, 3, 4, 5).
9032-N	Southern Pacific Transportation Company, San Francisco, CA.	49 CFR 172.202, 172.203, 174.25, 174.26(c)	To authorize use of computer generated shipping papers omitting certain required descriptions (e.g. placard notation and endorsement, and car location) as acceptable documentation of hazardous material shipments; to utilize the train consist as a substitute for notice to train crew of placard cars. (Mode 2).
9033-N	The Atchison, Topeka and Santa Fe Railway Company, Chicago, IL.	49 CFR 173.204(a), 173.204(d)	To facilities the use of telephone billing relative to repetitive shipping patterns, to authorize a modified version of the shippers certificate implemented by the rail carrier based on oral instructions from the shipper. (Mode 2).
9034-N	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.304(a), 173.305(c), 175.3	To authorize shipment of insecticide, liquefied gas (containing no poison A or B material) insecticide, liquefied gas (containing poison A and B material), compressed gas, n.o.s., diolane and diolane mixtures in DOT Specification 3AL cylinders. (Modes 1, 2, 4).
9035-N	Rohm and Haas Company, Philadelphia, PA	49 CFR 173.245	To authorize shipment of a corrosive liquid, n.o.s. in DOT Specification 51 stainless steel portable tanks. (Mode 1).

NEW EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9036-N	The Manison Company, South Elgin, IL	49 CFR 178.37-4(a)	To manufacture, mark and sell cylinders complying with Specification 3AA except for inspection of certain billets after parting, for shipment of those gases presently authorized in DOT Specification 3AA cylinders. (Modes 1, 2, 3, 4, 5).
9037-N	Great Lakes Chemical Corporation, West Lafayette, IN.	49 CFR 173.357(b)(1)	To authorize shipment of chloropicrin in non-DOT Specification foreign made cylinders similar to DOT Specification 4BW. (Modes 1, 2, 3).

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

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

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-9292 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification to Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application numbers. Application numbers with the suffix "X" denote renewal; application number with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Submit comments on or before April 29, 1983.

ADDRESS COMMENTS TO: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20509.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, D.C.

Application No.	Applicant	Renewal of exemption
2708-X	Union Carbide Corp., Danbury, CT (see footnote 1).	2708
3187-X	PPG Industries, Inc., Pittsburgh, PA (see footnote 2).	3187
3630-X	Allied Chemical, Morristown, NJ.	3630
3630-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	3630
4354-X	PPG Industries, Inc., Pittsburgh, PA (see footnote 3).	4354
4354-X	Pennwalt Corp., Buffalo, NY	4354
4453-X	Kentucky Powder Co., Lexington, KY.	4453
4990-X	Schenley Distillers, Inc., Cincinnati, OH.	4990
6184-X	Air Products and Chemicals, Inc., Allentown, PA.	6184
6531-X	Tavco, Inc., Chatsworth, CA	6531
6738-X	El Paso Products Co., Odessa, TX.	6738
6738-X	E. I du Pont de Nemours & Co., Inc., Wilmington, DE.	6738
6752-X	Pennwalt Corp., Philadelphia, PA (see footnote 4).	6752
6755-X	Lincoln Welding Supply Co., Lincoln, NE.	6755
6766-X	DuBois Chemical Co., Cincinnati, OH.	6766
6826-X	Atlantic Research Corp., Gainsville, VA.	6826
6826-X	McDonnell Douglas Astronautics Co., Huntington Beach, CA.	6826
6923-X	El Paso Products Co., Odessa, TX.	6923
6939-X	Warren Petroleum Co., Tulsa, OK.	6939
7060-X	Summit Airlines, Inc., Philadelphia, PA.	7060
7060-X	Express Airways, Inc., Sanford, FL.	7060
7060-X	Sajen Air, Inc., Manchester, NH.	7060
7060-X	Federal Express Corp., Memphis, TN.	7060
7252-X	E. I. du Pont de Nemours & Cko., Inc., Wilmington, DE (see footnote 5).	7252
7277-X	Structural Composite Industries, Inc., Pomona, CA (see footnote 6).	7277
7526-X	Schering AG, West Berlin, West Germany.	7526
7611-X	Richfood, Inc., Richmond, VA	7611
7628-X	Chemtech Industries, Inc., Saint Louis, MO.	7628
7735-X	Rheem Manufacturing Co., Linden, NJ.	7735
7822-X	Air Products and Chemicals, Inc., Allentown, PA.	7822
7872-X	Magna Corp., Houston, TX	7872
7881-X	FMC Corp., Philadelphia, PA	7881
7963-X	Stauffer Chemical Co., Westport, CT (see footnote 7).	7963
8016-X	U.S. Department of Agriculture, Washington, DC.	8016
8079-X	Container Corp., of America, Wilmington, DE (see footnote 8).	8079
8129-X	FMC Corp., Princeton, NJ	8129
8129-X	Allied Chemical, Morristown, NJ.	8129
8168-X	Container Corp., of America, Wilmington, DE.	8168
8188-X	Owens-Illinois (Plastic Products Division), Toledo, OH.	8188
8218-X	E. I du Pont de Nemours & Co., Inc., Wilmington, DE.	8218
8244-X	Halliburton Services, Inc., Duncan, OK (see footnote 9).	8244
8308-X	Medical Emergency Transportation Corp., Califon, NJ.	8308
8308-X	Sky Cab. Inc., East Brunswick, NJ.	8308
8308-X	New England Nuclear Corp., Boston, MA.	8308
8308-X	United States Priority Transport Corp., Huntington, NY.	8308
8308-X	MHC Messengers, Inc., Avenel, NJ.	8308
8540-X	U. S. Department of Defense, Washington, DC.	8540
8547-X	Natico, Inc., Chicago, IL	8547
8596-X	Southestern Plastic Container Co., Arlington, TN.	8596
8723-X	Ireco Chemicals, Salt Lake City, UT (see footnote 10).	8723
8806-X	Natico, Inc., Chicago, IL (see footnote 11).	8806
8837-X	Fabricated Metals, Inc., San Leandro, CA (see footnote 12).	8837
8897-X	Kerrco, Inc., Hastings, NE (see footnote 13).	8897

[1] To authorize an additional newly designed 13,620 gallon liquefied hydrogen cargo tank.

[2] To authorize tertiary butyl peroxyisopropyl carbonate classed as an organic peroxide as an additional commodity.

[3] To renew, correct classification of sec-butyl chlorotormate, as flammable liquid, and to require cargo tanks to be insulated.

[4] To modify exemption to authorize use of DOT Specification 3AAX2200 or 3T2200 tube trailers.

[5] To authorize motor freight as an additional mode of transportation.

[6] To authorize an additional aluminum alloy as a material of construction for cylinders containing various flammable and nonflammable gases.

[7] To authorize thiophosgene, Class B poison as an additional commodity.

[8] To allow for the use of a medium to high density (Type III) polyethylene container in uses where low density is currently authorized.

[9] To authorize an additional 500 gallon vertical marine portable tank identical to those presently authorized except for a manway and different part numbers.

[10] To authorize a 2,000 gallon skid mounted tank for shipment of blasting agent.

[11] To authorize water as an additional mode of transportation.

[12] To authorize an additional corrosive material.

[13] To authorize water as an additional mode, to add ethyl alcohol and methyl alcohol, classed as flammable liquids and hydrogen peroxide, classed as an oxidizer.

Application No.	Applicant	Parties to exemption
6702-P	Spectrum Laboratories, Inc., Indianapolis, IN.	6702
6759-P	Mesabi Powder Co., Hibbing, MN.	6759
6762-P	Economy Service & Sales Co., Philadelphia, PA.	6762
6762-P	Combustioneer Water, Rockville, MD.	6762
6874-P	Harcros, Inc., Bronxville, NY	6874
6895-P	North American Philips Lighting Corp., Bloomfield, NJ.	6895
6984-P	Mesabi Powder Co., Hibbing, MN.	6984
7052-P	NL Industries, Houston, TX	7052
7052-P	Scientific Columbus, Inc., Columbus, OH.	7052
7060-P	Western States Express Airlines, Tarzana, CA.	7060
7060-P	Air Continental, Inc., Elyria, OH.	7060
7765-P	Texas Instruments Inc., Lewisville, TX.	7765
8129-P	Stanford University, Stanford, CA.	8129
8129-P	Safety Specialists, Inc., San Jose, CA.	8129
8285-P	Northrop Services, Inc., Research Triangle Park, NC.	8285
8390-P	Eastman Kodak Co. Rochester, NY.	8390
8510-P	Norsk Hydro Sales Corp., New York, NY.	8510
8526-P	Bass Transportation Co., Inc., Fetmington, NJ.	8526
8554-P	Austin Powder Co., Cleveland, OH.	8554
8554-P	Evenson Explosives, Inc., Morris, IL.	8554
8818-P	Ethyl Corporation, Baton Rouge, LA (see footnote[1]).	8818
8877-P	Allied Chemical, Morristown, NJ.	8877
8989-P	The Ensign-Bickford Co., Simsbury, CT.	8989
9023-P	Societe Auxiliare de Transports et d'Industries, Paris, France.	9023
9023-P	Eurotainer S.A.R.L., Paris, France.	9023
9024-P	SLEMI, Paris, France	9024

[1]Request party status and to authorize a lead-lined DOT Specification 105A500W for bromine maximum rail load limit.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on April 4, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-9293 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Privacy Act of 1974; Proposed Revision of a System of Records; Correction

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Correction of Notice of System of Records.

SUMMARY: On January 5, 1983, the Department of the Treasury published a Notice of a proposed revision of Treasury/OS 00.144—Civil Litigation Records, 48 FR 566. This system of records, retitled "Treasury Interagency Automated Litigation System" (TRIALS), became effective March 7, 1983.

It has come to our attention that the Notice incorrectly proposed to apply the exemption in 5 U.S.C. 552a(j)(2), which relates to records systems containing information on criminal offenders and criminal investigations. Because TRIALS is a civil ligation records system, the (j)(2) exemption does not apply. Therefore, all references to the (j)(2) exemption in the Notice are hereby removed. The corrected elements appear below.

EFFECTIVE DATE: April 11, 1983.

Dated: March 30, 1983.

Cora Beebe,

Assistant Secretary (Administration).

Treasury/OS 00.144

SYSTEM NAME:

Treasury Interagency Automated Litigation System (TRIALS), Treasury/OS 00.144.

* * * * *

NOTIFICATION PROCEDURE:

Individuals wishing to be notified they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identity of the record system, (2) identity of the category and type or records sought, (3) at least two types of secondary information (date of birth, employee identification number, dates of employment or similar information.) The system contains records which are exempt under 31 CFR 1.36; 5 U.S.C. 552a(k)(2); or 5 U.S.C. 552a(d)(5). Address inquiries to Chief, Disclosure Branch, Department of the Treasury, Room 5423, 1500 Pennsylvania Ave., N.W. Washington, D.C. 20220.

* * * * *

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exempted under 31 CFR 1.36, 5 U.S.C. 552a(k)(2).

[FR Doc. 83-9148 Filed 4-8-83; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 70
Monday, April 11, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL COMMUNICATIONS COMMISSION

The following item has been deleted from the list of agenda items scheduled for consideration at the April 7, 1983, Open Meeting and previously listed in the Commission's Notice of March 31, 1983.

Agenda, Item No., and Subject

Video—3—*Title:* Cablevision of Chicago's notification of aeronautical frequency usage pursuant to section 76.610 of the Commission's Rules. *Summary:* The Commission will consider whether to issue a Notice of Apparent Liability for forfeiture against Cablevision of Chicago for its use of aeronautical frequencies without authorization.

Issued: April 4, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-500-83 Filed 4-7-83; 10:59 am]

BILLING CODE 6712-01-M

2

FEDERAL ELECTION COMMISSION

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, April 14, 1983, 10 a.m.

CHANGE IN MEETING: The following matters have been added to the open meeting scheduled for this date—

Eligibility Report—Honorable Walter F. Mondale/Mondale for President Committee, Inc.

Eligibility Report—Honorable Alan Cranston/Cranston for President Committee, Inc.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, telephone: 202-523-4065.

Lena L. Stafford,

Acting Secretary of the Commission.

[S-504-83 Filed 4-7-83; 3:43 pm]

BILLING CODE 6715-01-M

3

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-83-17]

TIME AND DATE: 2:30 p.m., Wednesday, April 20, 1983.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Canape makers (Docket No. 925).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-499-83 Filed 4-7-83; 10:20 am]

BILLING CODE 7020-02-M

4

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

DATE: April 25, 1983.

TIME: 10 a.m.-5 p.m.

PLACE: Room 311, Cannon House Office Building.

PURPOSE: To review and consider reports on the guaranteed Student Loan Insurance Premium provision.

FOR FURTHER INFORMATION CONTACT: Richard T. Jerue, Chief Executive Officer (202) 724-2914.

This meeting was called by the Commission Chairman, Mr. David R. Jones.

Submitted the 7th day of April 1983.

Richard T. Jerue,

Chief Executive Officer.

[S-502-83 Filed 4-7-83; 12:16 pm]

BILLING CODE 6820-BC-M

5

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Wednesday, April 13, 1983.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C. 20456.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Review of Central Liquidity Facility Lending Rate.
3. Assessment of Additional Share Insurance Premium in 1983 pursuant to Section 202(c)(3) of the Federal Credit Union Act.
4. Insurance Study as required by the Garn-St Germain Depository Institutions Act of 1982.
5. Study of Directors' Compensation as required by the Garn-St Germain Depository Institutions Act of 1982.
6. Proposed Charter Amendment from Temple FCU, Temple, Texas to Convert its Field of Membership from Occupational to Community Type.
7. Proposed Merger of Sheppard Area FCU, Wichita Falls, Texas and Eastside Community Development CU (State Chartered), Wichita Falls, Texas.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Wednesday, April 13, 1983.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C. 20456.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Proposed Charter Amendment. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Budget Reallocation. Closed pursuant to exemption (2).
4. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, Telephone (202) 357-1100.

[S-497-83 Filed 4-6-83; 4:19 pm]

BILLING CODE 7535-01-M

6

NATIONAL SCIENCE FOUNDATION

National Science Board's Executive Committee, acting on behalf of the Board.

DATE AND TIME: April 21, 1983; 1:30 p.m.

PLACE: Tidewater Inn, Easton, Maryland.

STATUS: This meeting will be closed to the public.

MATTER TO BE CONSIDERED: Nominees for appointment as National Science Foundation staff.

CONTACT PERSON FOR MORE INFORMATION: Ms. Margaret L. Windus, 202/357-9582.

[S-503-83 Filed 4-7-83; 3:06 pm]

BILLING CODE 7555-01-M

7

POSTAL RATE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 14800, Tuesday, April 5, 1983.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, April 12, 1983, 2 p.m.

PLACE: Conference Room 500, 2000 L Street NW., Washington, D.C. 20268.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(2)(6)(10)).

CONTACT PERSON FOR MORE INFORMATION: Mr. Jensen (202-254-3816).

CHANGES IN THE MEETING:

(1) The meeting dates are extended to cover the period April 12-15.

(2) The following new agenda item to add: "Discussion of 3rd Class Mail Rates in Docket No. R80-1."

[S-498-83 Filed 4-6-83; 4:19 pm]

BILLING CODE 7715-01-M

8

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 13305, March 30, 1983.

STATUS: Closed meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, March 28, 1983.

CHANGES IN THE MEETING: Additional item. The following additional item will be considered at a closed meeting scheduled for Wednesday, April 6, 1983, at 10:00 a.m.:

Consideration of amicus participation.

Commissioners Evans, Longstreth and Treadway determined that Commission business required the above change and that no earlier notice thereof was possible.

At time changes in Commission priorities require alterations inthe scheduling of meeting items. For further information and to ascertain what, if any matter have been added, deleted or postponed, please contact: Michael Lefever at (202) 272-2468.

April 6, 1983.

[S-501-83 Filed 4-7-83; 12:16 pm]

BILLING CODE 8010-01-M

9

TENNESSEE VALLEY AUTHORITY

TIME AND DATE: 8:15 a.m., Monday, April 11, 1983.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

MATTER FOR ACTION:

Special Separation Pay Plan for Trades and Labor Annual Employees in the Division of Fossil and Hydro Power.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-245-0101.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires that this meeting be called at the time set out above and that no earlier announcement of this meeting was possible.

The members of the TVA Board voted to approve the above findings and their approvals are recorded below.

Dated: April 7, 1983.

C. H. Dean, Jr.,

S. David Freeman,

Richard M. Freeman.

[S-505-83 Filed 4-7-83; 3:51 pm]

BILLING CODE 8120-01-M

federal register

Monday
April 11, 1983

Part II

Department of Education

Student Assistance General Provisions

DEPARTMENT OF EDUCATION

34 CFR Part 668

Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Final Regulations.

SUMMARY: The Secretary amends Subpart B of the Student Assistance General Provisions Regulations. A recent amendment to the Military Selective Service Act provides that any student who must register with Selective Service and fails to do so is ineligible for student financial assistance provided under title IV of the Higher Education Act. These regulations are being amended to implement this new eligibility criterion for title IV aid.

EFFECTIVE DATE: Unless the Congress take certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Mr. William Moran, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 4011, Regional Office Building 3) Washington, D.C. 20202. (202 245-9720).

SUPPLEMENTARY INFORMATION: On September 8, 1982, President Reagan signed the Fiscal Year 1983 Defense Department Authorization Act (Pub. L. 97-252) into law. Included in this legislation is an amendment to the Military Selective Service Act. The amendment mandates that, beginning with the 1983-84 award year, any student who is required to be registered with Selective Service and fails to register is ineligible for student financial assistance provided through programs established under title IV of the Higher Education Act. These programs include the Pell Grant, Supplemental Educational Opportunity Grant (SEOG), College Work-Study (CW-S), National Direct Student Loan (NDSL), Guaranteed Student Loan (GSL), PLUS Loan, and State Student Incentive Grant Programs.

The Congress decided that Federal student aid funds should not be expended on any student who had not complied with Federal law by registering with Selective Service. With few exceptions, all males who are at least 18 years old and born after December 31, 1959, and who are not in the armed services on active duty must be registered.

The Secretary of Education (Secretary) has worked in conjunction with the Director of the Selective Service System (Director) in developing these regulations in order to implement this new title IV eligibility requirement in the most efficient and least burdensome manner consistent with the intent of the law.

Statement of Registration Compliance

The law specifically requires that, in order to receive title IV aid, a student who is required to register with Selective Service must file a statement with the institution he attends certifying that he is in compliance with registration requirements. Therefore, in addition to the Statement of Educational Purpose, which is already required of all title IV recipients by section 484 of the Higher Education Act, the student must file a Statement of Registration Compliance.

These regulations expand the current Statement of Educational Purpose to include the new Statement of Registration Compliance. For the convenience of the institution and the student, the combined statement appears on the 1983-84 Student Aid Report and the 1983-84 Pell Grant Alternate Disbursement System (ADS) Request for Payment (ED Form 304).

Identification of Students Required To Register

A practical problem in implementing the Statement of Registration Compliance requirement is the difficulty in identifying which students are required to be registered, especially since some institutions may not have a record of the student's gender or date of birth. Therefore, to minimize the burden on the institution of determining whether a student is required to be registered or is exempt from registration for any of a number of reasons, the Secretary is requiring all title IV aid recipients to complete and submit to the institution the Statement of Registration Compliance in which the student certifies either the reason why he or she is not required to be registered or that he is registered. If a student certifies that he is not required to register, the institution may rely on that statement unless it has other information available which is inconsistent with the statement.

Certain males are exempted from registering with the Selective Service. Those include, in addition to those exempt by reason of age or active duty in the armed services: (1) All students enrolled in an officer procurement program, the curriculum of which has been approved by the Secretary of Defense, at the Citadel, Charleston, South Carolina; North Georgia College, Dahlonega, Georgia; Norwich University, Northfield, Vermont; or Virginia Military Institute, Lexington, Virginia, and (2) males who are unable to present themselves for registration for reasons beyond their control such as being hospitalized, incarcerated, or institutionalized.

Verification of Statements of Registration Compliance

The Secretary, in response to public comments and in agreement with the Director, has modified the registration verification methodology set forth in the proposed rule published on January 27, 1983 (48 FR 3920). Many colleges and schools expressed concerns about the proposed methodology of registration verification. The major concern regarding regulatory requirements focused upon the administrative burden during the first year of implementation of the proposed verification requirement.

The Secretary agrees with the public comments objecting to the immediate implementation of the proposed verification requirement. These final regulations phase in certification and verification requirements over a three-year period. In place of the 100 percent verification of registration through the college's financial aid office, the Secretary will, through the periodic on-site program reviews conducted by Departmental personnel and, in consultation with Selective Service System personnel, verify students' registration status. This method of verification of registration compliance will be in effect for the 1983-84 and 1984-85 academic years. As a result, for these two academic years, pre-award requirements are reduced so that institutions need only collect the Statement of Educational Purpose/Registration Compliance.

The Secretary plans to evaluate the results of this method of verification of registration during the 1984-85 academic year. Should the Secretary and the Director find that college students are in compliance with the registration requirements of the Military Selective Service Act, the Secretary and the Director will review the compliance process set forth in § 668.26. If the Secretary and the Director determine that the requirements are not necessary, the Secretary, with the concurrence of the Director, may amend or revoke § 668.26.

Reduced Administrative Burden

The concerns expressed by the higher education community regarding the increase in administrative burden which would result from the proposed rules published on January 27, 1983, have convinced the Secretary and the Director to adopt the verification methodology for 1983–84 and 1984–85 academic years set forth in these final regulations. The Secretary and the Director believe that the modifications of the proposed rule embodied in these final regulations will reduce substantially the administrative burden that colleges and schools felt was inherent in the proposed rule.

The concerns expressed by the Secretary and the Director over implementing the proposed rule during the first year have led both agencies to adopt the alternative verification of registration provisions set forth in these final regulations. However, the Secretary and Director believe that the administrative burden on colleges and schools as a result of the verification requirement in § 668.26 will be greatly reduced by waiting until the 1985–86 academic year.

For the 1985–86 and subsequent academic years, the only students who will be required to provide proof of their compliance with Section 3 of the Military Selective Service Act will be those who have not previously received title IV aid.

To decrease administrative burden associated with the submission of registration documentation for transfer students, these regulations amend the financial aid transcript requirements (§ 668.14). A part of the required information on the financial aid transcript is the Selective Service number from the documentation submitted to verify the student's registration compliance. The Selective Service number on that transcript will suffice to document registration compliance for that institution in future years and for any institution to which the student transfers.

Student Responsibility for Verifying Compliance

The primary responsibility for verifying registration compliance rests with the student. For the 1985–86 and subsequent academic years, § 668.26 requires a student who certifies that he is registered on the Statement of Registration Compliance to submit proof of his registration to the institution.

The student must submit proof that he meets this eligibility criterion to the institution before it may disburse aid or certify the GSL and PLUS loan applications and the Pell Grant ADS Request for Payment. Recognizing that verification of registration compliance may present special problems at institutions located outside the United States who are participating in the GSL and PLUS Programs, the Secretary may establish separate procedures on a case-by-case basis for students attending those institutions.

Acceptable Proof of Registration

All registrants receive from Selective Service a letter displaying the information maintained in their registration record (Acknowledgement Letter, SSS Form 3A or 3A–S). Registrants are advised by Selective Service on the Acknowledgement Letter to keep it as proof of registration. The Selective Service has added a statement to the Acknowledgement Letter informing registrants that, in order to receive Federal student aid on or after July 1, 1985, the letter must be presented as proof of registration. In lieu of submitting the Acknowledgement Letter, a student may verify his registration compliance by submitting: (1) the financial aid transcript bearing his Selective Service number; or (2) other documentation from Selective Service if approved by the Secretary and the Director. The institution must make proof of the student's registration compliance, like any other eligibility documentation, a part of the student's record.

Temporary Verification by Affidavit

The Secretary recognizes that in limited circumstances some students may not receive their acknowledgement of registration from Selective Service quickly enough to verify their registration compliance before their first scheduled aid payment. As a limited exception to the general verification rule, these regulations (§ 668.26) allow a temporary verification alternative for students who submit a notarized affidavit to the institution in which they affirm that they have registered but do not have the appropriate documentation from Selective Service. The Secretary intends this method of temporary verification to be used only in exceptional circumstances. First, all students who turned 18 within 90 days of the beginning of the award year and have not received their original Acknowledgement Letter from Selective Service may temporarily verify their registration by means of a notarized affidavit.

Second, any student who has registered and has requested appropriate documentation from Selective Service to confirm his registration but has not yet received it, may file a notarized affidavit with the institution certifying that he is registered and has requested documentation. Institutions will have forms on which a student may request a copy of his Acknowledgement Letter. Financial aid officers are encouraged to keep a copy of the request in the student's file until the Registration Acknowledgement Letter is received.

If the institution receives an appropriate notarized affidavit, it may disburse title IV funds for one payment period and may certify the GSL or PLUS program loan application and the institutional portion of the Pell Grant ADS Request for Payment (ED Form 304).

The student who files an affidavit must submit approved documentation to the institution within 120 days of the date of the affidavit. All title IV funds received for that award period by a student who files an affidavit but does not submit the required documentation within 120 days to verify eligibility would be considered an unauthorized payment and the Department will take appropriate steps to recover those funds from the student.

Special Procedures for 1983–84

The statute makes any student ineligible for title IV assistance if he was required to register with Selective Service but failed to do so. (50 U.S.C. App. 462(f)(1).) Those applicants who have not demonstrated their compliance with registration requirements at the time their loan applications were processed by the institution in the spring of 1983 are nonetheless required by the statute to file a Statement of Registration Compliance in order to qualify for any title IV assistance for use after July 1, 1983. (50 U.S.C. App. 462(f)(2).)

To monitor compliance with the statute by those students who have not filed such statements with the institution during the part of the loan application process that took place before the effective date of the new law, the Secretary adopts special requirements for use for the 1983–84 academic year. This problem will not arise in later years because the law will be in force and institutions must secure the required statements during the loan application process.

The special procedures for 1983–84 deal with loans under the GSL and PLUS programs, Pell ADS, and other title IV programs. Under these procedures, an institution which receives either a loan check or notice from a lender that a loan has been made, must inform students of

their duty to file Statements of Registration Compliance. If the institution is informed that the student has received a loan, it must notify the lender and the Secretary if the student does not, after being notified of the duty to submit the statement, comply with the requirement. The student would then have failed to qualify for that Federal assistance, and would lose the right to interest benefits on the loan.

Notification of Denial of Assistance

The amendment also directs the Secretary, in consultation with the Director, to establish procedures to notify students of the proposed denial of assistance to those who do not prove registration compliance and to permit them a grace period within which to prove that they are registered. Section 668.27 of these regulations provides that the institution give general notice which may be included on the Statement of Registration Compliance form. This general notice as described in § 668.25 warns the student aid applicant that he will not receive title IV aid if he fails to complete the Statement of Registration Compliance and to prove registration compliance if required.

The regulations permit the student to establish his compliance at any time before the end of the payment period for which he seeks aid, or the 30-day period after notice of denial is received, whichever is later. Because the end of the payment period will usually be the later of these two dates, a student who states and verifies his compliance at any time during the payment period, would be eligible for aid for that period. This will, in most instances, result in a grace period significantly greater than the thirty day minimum set in the statute.

Moreover, consistent with the statutory intent to encourage registration, under these regulations any nonregistrant who was required to register but did not may still qualify for aid in the future payment periods if he registers with Selective Service and complies with the statement and verification requirements.

Administrative Review of Denials of Assistance

The regulations, as required by statute, provide under certain circumstances, for a hearing for those applicants denied title IV aid because they have failed to prove that they have registered (§ 668.27). The opportunity for a hearing is strictly limited to those cases where a student asserts that he has in fact registered but has not been able to prove that registration.

This limitation on the right to a hearing and the scope of that hearing is determined by the statutory limits on the Secretary's authority. In such administrative reviews the Secretary may only rule on whether the applicant has demonstrated compliance. Because he has no authority to act on the basis of challenges to the propriety of the statutory ban on eligibility for nonregistrants, no presentation of such arguments will be considered during these reviews.

Because resolution of the issue of registration will almost invariably depend on documentary proof provided by Selective Service, the Secretary anticipates that there will be few cases in which a hearing will be necessary to resolve the question of compliance. Furthermore, because applicants receive written confirmation of registration in the Registration Acknowledgement Letter and, as noted previously, will be able to promptly secure another copy from Selective Service, these regulations, like the statute itself, place the burden of proof on the applicant to provide the Secretary with information and materials *establishing* that he has complied with the registration requirement, a burden of proof clearly recognized during the Congressional debate over passage of this statute. (Cong. Rec. 4945, May 12, 1982)

Lastly, the Secretary stresses that any determination of registration compliance made under these regulations is made for title IV student assistance eligibility purposes only. Any determination of compliance made here, unless reopened and revised in light of additional evidence, resolves only the issue of the applicant's eligibility for title IV aid and does not determine the applicant's status with the Selective Service System, which has its own independent administrative jurisdiction and procedures. Students are advised that knowingly providing false information regarding registration status when applying for the title IV aid may subject that student to criminal prosecution by the United States government.

Comments and Responses

In response to the proposed rules regarding Selective Service registration as a requirement for Title IV student aid, many comments were received by the Department of Education.

An analysis of these comments indicated that several general themes were consistently repeated by many of the commenters. Many objected to the law itself and are not addressed in these responses. Most commenters objected to the administrative burden attendant with the requirement that schools conduct 100 percent pre-award verification. The following is a summary of the comments received and the Secretary's responses to those comments.

Comment: Many commenters suggested that the collection and maintenance of the signed Statement of Registration Compliance should be all that the school should have to do. Verification, they argued, should be the responsibility of the Federal Government. Commenters also objected to the unusual administrative burden and cost of these verification requirements. They also believed that students would experience undue delays in receiving aid.

Response: A change has been made. The Secretary agrees, in part, with these comments, and consequently has decided that for the 1983–84 and the 1984–85 award years, only the signed statement of registration compliance will be required—not written verification of registration. Verification of those statements will be monitored by the Department through its normal program review and audit activities, in conjunction with the Selective Service System.

Verification of registration compliance, as outlined in § 668.26, will be required for the 1985–86 and subsequent award years. Thus, the Secretary believes that burden and cost to the schools will be minimal, and that delays in the receipt of aid for students should be practically non-existent.

Comment: Several commenters suggested that only males should be required to sign the required Statement of Registration Compliance. Further, some of them asked if a waiver might not be granted for schools which enroll female students exclusively.

Response: No change has been made. Often, it is not clear from a student's name whether the student is a female. Moreover, since students are often paid by credit adjustments to their accounts, there may be no easy way—other than the student's signed statement that she is a female—to assure that registration was not applicable. Further, the signing of the Statement of Educational Purpose (which is now part of the combined "Statement of Educational Purpose/ Registration Compliance) must be done by female as well as male students. Since the Department is providing the combined statement on the Student Aid Report (used primarily for the Pell Grant Program) and other combined statements will routinely be available for non-Pell Grant recipients, the Secretary does not feel that a waiver is necessary, even for schools which only enroll female students.

Comment: Several commenters expressed concern about possible institutional liability that might result from accepting an affidavit of registration compliance allowed under § 668.26(f)(1), and § 668.26(f)(2) that may be false.

Response: A change has been made. An institution does not incur liability if the student falsifies such an affidavit. The student incurs the liability. The institution is responsible for notifying the Secretary that the student has not provided verification within the 120 day period.

Comment: Several commenters asked whether incarcerated students needed to be registered in order to qualify for Title IV aid.

Response: A change has been made. Since the law is clear that an incarcerated male or a male that is similarly unable to present himself for registration, does not have to register with Selective Service until 30 days after he is released from incarceration or otherwise able to present himself for registration, such students cannot be denied Title IV aid because of lack of registration. Thus, there would be no liability (related to a lack of registration compliance) assessed any institution for a payment to an incarcerated student. The Registration Compliance Statement does not include the exemption applicable to incarcerated students. However, the Secretary recognizes that these individuals are exempt from registration requirements. Institutions should simply document in their files that such individuals are incarcerated, hospitalized, or institutionalized, and therefore, are unable to present themselves for registration.

Comment: Several commenters stated that it was unclear whether § 668.24(c) permitted a student who was not 18 (or otherwise did not have to register) to certify on his registration compliance statement that he is not required to be registered before the beginning of the academic years? Further, could this be done even if his status under registration law would change after such a certification but still before the beginning of the academic year? Finally, could that statement suffice for the entire academic year?

Response: No change has been made. However, the answer to all questions is yes. If the normal procedure of both the application process and the administration by the school of the awarding of financial aid result in a student signing his statement before the beginning of the award year, that statement will be considered valid for the entire academic year, even if the student knows his status will change before the academic year actually begins or if his status changes during the academic year. The student would not have to submit another statement until such time he files for Federal student financial assistance for the subsequent academic year.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are classified as nonmajor because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations implement a new statutory eligibility criterion—registration with Selective Service—for title IV student financial assistance.

The small entities affected are small institutions of postsecondary education. Verification of registration compliance, when required in 1985, will be based on documentation furnished by students and will, therefore, not have significant economic impact on these institutions.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the public comments and the Department's own review, the Secretary has determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 668

Administrative practice and procedures, Colleges and universities, Consumer protection, Education, Loan programs—education, Grant programs—education, Student aid.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance Numbers: Supplemental Educational Opportunity Grant Program, 84.007; Guaranteed Student Loan Program, 84.032; PLUS Program, 84.032; College Work-Study Program, 84.033; National Direct Student Loan Program, 84.038; Pell Grant Program, 84.063; State Student Incentive Grant Program, 84.069)

Dated: April 6, 1983.

T. H. Bell,

Secretary of Education.

PART 668—[AMENDED]

The Secretary amends Part 668 of Title 34 of the Code of Federal Regulations as follows:

1. The table of contents for Subpart B is amended, by adding six new sections, to read as follows:

Subpart B

* * * * *

Sec.

668.23 Statement of educational purpose.
668.24 Statement of registration compliance.
668.25 Model statement of educational purpose and registration compliance.
668.26 Verification of registration compliance for award years beginning on or after July 1, 1985.
668.27 Notification and administrative review.
668.28 Record retention requirements.

2. A new § 668.23 is added to read as follows:

§ 668.23 Statement of educational purpose.

An institution may not disburse any funds under any of the title IV student financial assistance programs to a student unless the student files with it a Statement of Educational Purpose. In this statement, the student certifies that he or she will use any funds received under these programs solely for educational expenses connected with attendance at the institution at which the student is enrolled or accepted for enrollment.

(20 U.S.C. 1091)

3. A new § 668.24 is added to read as follows:

§ 668.24 Statement of registration compliance.

(a)(1) Except as provided in paragraph (d) of this section, unless a student who is applying for title IV aid or, under the PLUS Program, who will benefit from the loan, files a Statement of registration Compliance with the institution, an institution may not, for a period of instruction beginning on or after July 1, 1983—

(i) Disburse funds to the student under any title IV student financial assistance program;

(ii) Certify the institutional portion of the application under the Guaranteed Student Loan or PLUS Program; or

(iii) Certify the institutional portion of the Pell Grant Request for Payment (ED Form 304), if the institution is participating in the Pell Grant Program under the Alternate Disbursement System.

(2) In the Statement of Registration Compliance, the student must certify either that he or she is registered with Selective Service or that, for a specified reason, he or she is not required to be registered.

(b) For the 1983–1984 award year only, the rules in paragraph (b) of this section apply with regard to a student who, before July 1, 1983 has applied for a loan under the Guaranteed Student Loan or PLUS Programs, has applied for a Pell grant under the Alternative Disbursement System (ADS), or received a disbursement of any title IV student financial assistance funds, for a period of instruction beginning on or after that date, but who has not filed the Statement of Registration Compliance:

(1) In addition to providing the general notice described in § 668.27(a) of this part, an institution shall inform the student of the requirement to file a Statement of Registration Compliance if the institution—

(i) Receives a loan check, or a notice from a lender that the student has received a loan, under the Guaranteed Student Loan or PLUS Program;

(ii) Receives notice that a loan has been made under the PLUS Program for the benefit of the student;

(iii) Released or endorsed such a loan check before July 1, 1983, for a period of instruction beginning on or after that date for that student;

(iv) Certified the institutional portion of the Pell Grant Request for Payment (ED Form 304), before July 1, 1983 for a period of instruction beginning on or after that date; or

(v) Disbursed, before July 1, 1983, any title IV student financial assistance for a period of instruction beginning on or after that date.

(2) An institution which receives a loan check under the Guaranteed Student Loan or PLUS Programs may not endorse that check or release it to or for the benefit of a student who fails to file a Statement of Registration Compliance in accordance with this section.

(3)(i) An institution shall promptly notify the lender and the Secretary if it determines that a student who has already received or benefited from a Guaranteed Student Loan or PLUS loan intended for a period of instruction beginning on or after July 1, 1983 who is informed of the duty to file a Statement of Registration Compliance pursuant to this section, fails to do so within 30 calendar days of being so informed by the institution.

(ii) If a student fails to file the required Statement of Registration Compliance, that student forfeits the right to receive or retain the loan check or its benefits, as well as the right to the payment of interest benefits on that loan. The borrower shall, on demand of the lender, immediately repay that disbursement.

(4) If an institution is a lender, it shall attempt to recover the amount of any loan disbursed before July 1, 1983 for periods of instruction beginning on or after that date to a student who fails to file a Statement of Registration Compliance.

(5) An institution which participates in the Pell Grant Program under ADS shall promptly notify the Secretary if a student, informed of the duty to file a Statement of Registration Compliance pursuant to this section, fails to do so within 30 calendar days of being so informed by the institution.

(c) A student shall file a Statement of Registration Compliance once for each award year. If the student's status under registration law changes during the award year after he has completed the Statement of Registration Compliance the student is not required to file a new statement for that award year.

(d) The requirement under paragraph (a) of this section of filing a Statement of Registration Compliance and § 668.26 for verification, if required, does not apply to students who are—

(1) Enrolled in an officer procurement program, the curriculum of which has been approved by the Secretary of Defense at the following:

(i) The Citadel, Charleston, South Carolina.

(ii) North Georgia College, Dahlonega, Georgia.

(iii) Norwich University, Northfield, Vermont.

(iv) Virginia Military Institute, Lexington, Virginia; or

(2) Unable to present themselves for registration for reasons beyond their control such as being hospitalized, incarcerated, or institutionalized.

(50 U.S.C. App. 462)

4. A new § 668.25 is added to read as follows:

§ 668.25 Model statement of educational purpose and registration compliance.

The Secretary considers the following statement as satisfying the requirements of § 668.23 and 668.24(a) and the notification requirement of § 668.27(a):

Statement of Educational Purpose/ Registration Compliance

I certify that I will use any money I receive under the title IV student financial aid programs only for expenses related to attendance at (insert name of school) ———; and (check as appropriate)

—I certify that I am not required to be registered with Selective Service, because:

—I am a female.

—I am in the armed services on active duty (Note: Members of the Reserves and National Guard are not considered on active duty.)

—I have not reached my 18th birthday.

—I was born before 1960.

—I am a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.

—I certify that I am registered with Selective Service.

Signature: ———

Date: ———

Notice.—You will not receive title IV financial aid unless you complete this statement and, if required, give proof to your school of your registration compliance. If you purposely state falsely that you are registered or that you are not required to be registered, you may be subject to fine or imprisonment, or both. (20 U.S.C. 1091 and 50 U.S.C. App. 462)

5. A new § 668.26 is added to read as follows:

§ 668.26 Verification of registration compliance for academic years beginning on or after July 1, 1985.

(a) This section establishes requirements for verification of registration for title IV aid to be used in an academic year beginning on or after July 1, 1985.

(b) A student who has not previously received title IV student financial assistance shall, in addition to certifying that he is registered with Selective Service on the Statement of Registration Compliance according to the requirement of § 668.24, verify that he is registered by submitting appropriate documentation described in paragraph (d) of this section to the institution.

(c) If the institution determines that the student has verified his registration compliance in a previous academic year that student is not required to resubmit verification documentation.

Note.—A student is still required to file a Statement of Registration Compliance each year pursuant to the requirements of § 668.24 as one condition of receiving title IV aid even if the institution has on file a Registration acknowledgement Letter for that student (SSS Form 3A or 3A–S).

(d) Documentation that may be used to verify registration compliance includes—

(1) A copy of the student's registration Acknowledgement Letter (SSS Form 3A or 3A–s);

(2) The financial aid transcript prepared pursuant to § 668.14 bearing

the student's Selective Service number; or

(3) Other documentation from the Selective Service, if approved by the Secretary and the Director of the Selective Service System.

(e) Except as provided in paragraph (f) of this section, until documentation to verify the student's registration compliance is received, the institution may not—

(1) Disburse funds to the student under any title IV student financial assistance programs;

(2) Certify the institutional portion of the application under the Guaranteed Student Loan or PLUS Programs; or

(3) Certify the institutional portion of the Pell Grant Request for Payment (ED Form 304), if the institution is participating in the Pell grant Program under the Alternate Disbursement System.

(f)(1) A student may temporarily verify his registration by submitting to the institution a notarized affidavit in which he affirms that he—

(i) Has registered with the Selective Service; and

(ii) Does not have his registration Acknowledgement Letter.

(2) An institution which receives an affidavit under paragraph (f)(1) of this section shall—

(i) Disburse the student's title IV funds for not more than one payment period;

(ii) Certify the institutional portion of the application under the Guaranteed Student Loan or PLUS Programs; and

(iii) Certify the institutional portion of the Pell grant Request for payment (ED Form 304), if the institution is participating in the Pell grant Program under the Alternate Disbursement System.

(3) A student who has filed an affidavit under paragraph (f)(1) of this section shall submit documentation to verify his registration to the institution within one hundred and twenty (120) days from the date of the affidavit.

(4)(i) If the student does not submit the documentation within one hundred and twenty (120) days from the date of the affidavit, title IV funds received by the student for the payment period in question constitute an unauthorized payment which the student must repay.

(ii) The institution shall provide the Secretary with the student's name, amount of unauthorized payment, Social Security number, and other relevant information.

(iii) The Secretary takes necessary steps to recover this unauthorized payment, including litigation, as necessary.

(5)(i) If the institution certifies the institutional portion of an application under the Guaranteed Student Loan or PLUS Program for a student who fails to submit the required documentation within one hunderd and twenty (120) days from the date of the affidavit, the institution shall notify the lender and the Secretary.

(ii) A student who fails to submit the required documentation within one hundred and twenty (120) days forfeits the right to receive the benefits of the loan made to or for the student under the Guaranteed Student Loan or PLUS Program, as well as the right to payment of interest benefits on the loan. The borrower shall, if demanded by the lender, immediately repay the disbursement.

(6) The Secretary considers the following affidavit as satisfying the requirement of paragraph (f)(1):

Affidavit of Registration Compliance

I affirm under penalty of perjury that I am registered with Selective Service and that I do not possess my registration Acknowledgement Letter from Selective Service. I understand that if this information is false, I could be subject to either a fine, imprisonment, or both. I also understand that I must provide proof from the Selective Service of my registration to my school within 120 days of the date of this affidavit, and that if I do not provide such proof I must repay any title IV student financial aid I have received for this school period and that I forfeit the right to receive the benefits of any loan made under the GSL or PLUS Program as well as the right to payment of interest benefits on the loan.

Signature: _____

Date: _____

Notary Public: _____

(g) The Secretary may establish separate verification procedures on a case-by-case basis for students attending institutions outside the United States and its Territories.

(20 U.S.C. 1097 and 50 U.S.C. App. 462)

6. A new § 668.27 is added to read as follows:

§ 668.27 Notification and administrative review.

(a)(1) *General Notice.* An institution shall provide written notice to any student seeking aid under any title IV program that he or she must submit a Statement of Registration Compliance to the institution as a condition for receipt of such aid and, if required, provide proof of the student's registration with the Selective Service.

(2) *Specific Notice.* Prior to denying aid to a student under title IV for failure to register with the Selective Service, or for failure to file the Statement of Registration Compliance in accordance with § 668.24 and, if required by § 668.26, to verify that compliance, the institution shall provide individual written notice of denial to that student.

(b)(1) A student who was notified under paragraph (a)(2) of this section and has not registered although required to do so may establish his eligibility for title IV aid for the payment period in which he was notified under paragraph (a)(2) of this section by registering, filing a Statement of Registration Compliance, and, if required, verifying that he is registered in accordance with § 668.26 within thirty days of the receipt of the notice or before the end of the same payment period, whichever is later.

(2) A student, who was notified under paragraph (a)(2) of this section and who has registered but failed to state that he is registered with Selective Service in accordance with § 668.24, and to verify that statement, if required under § 668.26, may establish his eligibility for title IV aid for the payment period in which he was notified under paragraph (a)(2) of this section by filing a Statement of Registration Compliance in accordance with § 668.24 and, if required under § 668.26 by verifying that he is registered, within 30 days of the receipt of the notice or the end of the same payment period, whichever is later.

(3) If a student does not file a Statement of Registration Compliance and, if required under § 668.26, verify that Statement within thirty days of the receipt of the notification under paragraph (a)(2) of this section or before the end of that payment period, whichever is later, he may not receive aid for that payment period or prior payment periods for which the student was not registered, if required.

(c)(1) A student who has been denied title IV assistance because he has not where required provided verification of his registration with the Selective Service, may seek a hearing from the Secretary by filing a request in writing with the Secretary. The student must submit with that request—

(i) A statement that he is in compliance with registration requirements;

(ii) A concise statement of the reasons why he has not been able to verify that he is in compliance with those requirements; and

(iii) Copies of all material that he has already supplied to the institution to verify his compliance.

(2) The Secretary provides an opportunity for a hearing to a student who—

(i) Asserts that he is in compliance with registration requirements; and

(ii) Files a written request for a hearing in accordance with paragraph

(c)(1) of this section within the award year for which he was denied title IV assistance or within 30 days following the end of the payment period, whichever is later.

(3) An official designated by the Secretary shall conduct any hearing held under paragraph (c)(2) of this section. The sole purpose of this hearing is the determination of compliance with registration requirements. At this hearing, the student retains the burden of proving compliance, by credible evidence, with the requirements of the Military Selective Service Act. The designated official shall receive only such evidence as he or she considers relevant to establishing whether the student is in compliance with Selective Service registration requirements. The designated official shall not consider challenges based on constitutional or other grounds to the requirements that a student state and verify, if required under § 668.26, compliance with registration requirements, or to those registration requirements themselves.

(d) Any determination of compliance made under this section shall be final unless reopened by the Secretary and revised on the basis of additional evidence.

(e) Any determination of compliance made under this section shall be binding only for purposes of determining eligibility for title IV student assistance.

(50 U.S.C. App. 462)

7. A new § 668.28 is added to read as follows:

§ 668.28 Record retention requirements.

An institution shall include in each student's record, in accordance with the record retention provisions in each of the title IV program regulations, the following:

(a) The signed Statement of Educational Purpose/Registration Compliance;

(b) When verification is required under § 668.26, the documentation verifying the student's registration compliance.

(20 U.S.C. 1097 and 50 U.S.C. App. 462)

8. Section 668.14 is amended by revising paragraphs (a)(2), (e)(5) and (e)(6), and by adding a new paragraph (e)(7) to read as follows:

§ 668.14 Financial Aid Transcript.

(a) * * *

(2) *Limited exception to the general rule.* If the institution does not receive the student's transcript or a written notice pursuant to paragraph (d) of this section that the transcript will not be forthcoming, in a timely manner, it may disburse title IV funds for only one payment period provided the student has submitted other documentation verifying his Selective Service registration compliance in accordance with § 668.26

* * * * *

(e) * * *

(5) Whether the student is in default on—

(i) A National Direct Student Loan made by the institution; or

(ii) A guaranteed Student Loan or a PLUS Loan that the student received for attendance at the institution if the institution is aware of the default status;

(6) Whether the student owes a refund on—

(i) A Pell or Supplemental Grant for attendance at the institution; or

(ii) A State Student Incentive Grant received for attendance at the institution, if the institution is aware that the student owes the refund; and

(7) The student's Selective Service number from the documentation used to verify the student's registration compliance in accordance with § 668.26, if required.

(20 U.S.C. 1091, 1094; 50 U.S.C. App. 462)

[FR Doc. 83-9080 Filed 4-8-83; 8:45 am]

BILLING CODE 4000-01-M

federal register

Monday
April 11, 1983

Part III

The President

Executive Order 12416

Intergovernmental Review of Federal Programs

Office of Management and Budget

Intergovernmental Review of Federal Programs; Notice of Changes in Implementation

Federal Register
Vol. 48, No. 70
Monday, April 11, 1983

Presidential Documents

Title 3—

The President

Executive Order 12416 of April 8, 1983

Intergovernmental Review of Federal Programs

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to allow additional time for implementation by State, regional and local governments of new Federal regulations which foster an intergovernmental partnership and strengthened federalism, it is hereby ordered as follows:

Section 1. The preamble to Executive Order No. 12372 of July 14, 1982 is hereby amended by inserting, after the words "42 U.S.C. 4231(a))", the following phrase: ", Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334)".

Sec. 2. Section 5(b) of Executive Order No. 12372 is amended by deleting "April 30, 1983" and inserting in its place "September 30, 1983."

Sec. 3. Section 8 of Executive Order No. 12372 is amended by deleting "within two years" and inserting in its place "by September 30, 1984".

Ronald Reagan

THE WHITE HOUSE,
April 8, 1983.

[FR Doc. 83-9671
Filed 4-8-83; 12:03 pm]
Billing code 3195-01-M

OFFICE OF MANAGEMENT AND BUDGET

Intergovernmental Review of Federal Programs; Implementation of Executive Order 12372

AGENCY: Management Reform Division and Associate Director for Management, Office of Management and Budget.

ACTION: Notice of implementation changes.

SUMMARY: Executive Order 12372, "Intergovernmental Review of Federal Programs," was signed by President Reagan on July 14, 1982. Section 5 of the Order called for final agency rules effective April 30, 1983. Based on numerous public comments on agency proposed rules requesting more lead time for state and local implementation, today's **Federal Register** includes an amendment to this Order to change the effective date for the final rules to September 30, 1983. In addition, final rules will be issued by June 30, 1983 to allow at least 3 months lead time. In accordance with Section 7 of E.O. 12372, regulations implementing former OMB Circular A–95 will remain in effect until September 30, 1983.

Another public meeting to discuss contemplated, possible changes in agency proposed rules in response to public comments will be announced shortly.

Dated: April 8, 1983.

Harold I. Steinberg,

Associate Director for Management.

[FR Doc. 83-9673 Filed 4-8-83; 12:09 am]

BILLING CODE 3110-01

Reader Aids

Federal Register

Vol. 48, No. 70

Monday, April 11, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, APRIL

13921-14346.....1
14347-14560.....4
14561-14852.....5
14853-15116.....6
15117-15218.....7
15219-15436.....8
15437-15590.....11

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
Ch. III.....14910

3 CFR

Proclamations:
4707 (Amended by EO 12413).....13921
4768 (Amended by EO 12413).....13921
5037.....14561
5038.....14853
5039.....14855
5040.....14857
5041.....14859
5042.....15219
5043.....15437
5044.....15439
5045.....15441
5046.....15443

Executive Orders:
December 13, 1898 (Revoked in part by PLO 6366).....14597
11888 (Amended by EO 12413).....13921
12358 (Amended by EO 12415).....15117
12372 (Amended by EO 12416).....15587
12389 (Amended by EO 12413).....13921
12413.....13921
12414.....14861
12415.....15117
12416.....15587

5 CFR

315.....13951
553.....13952
890.....14563
1204.....13954
1205.....13954

Proposed Rules:
351.....13987

7 CFR

Ch. IV.....15227
20.....13954
52.....14563
60.....15221
272.....13955, 15223
273.....13955
274.....15223
276.....15223
295.....15226
410.....15228
414.....15232
418.....14563
718.....13958
906.....13963
907.....15119
910.....13964, 15236
917.....15119
1033.....14571
1434.....15120

Proposed Rules:
6.....15263
272.....15266
273.....15266
319.....13987
810.....14601
928.....15133
989.....14911
993.....15133
1004.....14604
1007.....14604
1011.....14604
1013.....14613
1046.....14604
1120.....14613
1126.....14613
1132.....14613
1138.....14613
1701.....15269

8 CFR

103.....14572
214.....14575
238.....14593
248.....14575
332b.....14594

Proposed Rules:
103.....14631
214.....14631

9 CFR

82.....14863
92.....13965

10 CFR

2.....14873
32.....14863
50.....13966, 14864, 14873

Proposed Rules:
2.....14926
50.....13987, 14926
1017.....13988

11 CFR

106.....14347
9031.....14347
9032.....14347
9033.....14347
9034.....14347
9035.....14347
9036.....14347
9037.....14347
9038.....14347
9039.....14347

Proposed Rules:
9001.....14532
9002.....14532
9003.....14532

9004.....14532
9005.....14532
9006.....14532
9007.....14532
9007a.....14532

12 CFR

205.....14880
217.....15545
226.....14882
Proposed Rules:
Ch. II.....13993
601.....13999
615.....14594

13 CFR

113.....14890

14 CFR

39.....14347–14357, 15445–15459
71.....15460–15463
73.....14358
97.....14359
Proposed Rules:
39.....14383–14386, 15479, 15480
71.....14388, 15481, 15483
75.....15483
320.....14636

16 CFR

13.....13970–13972, 14891–14895
305.....13972, 13973
Proposed Rules:
13.....14389
457.....15484

17 CFR

140.....15463
190.....15122
Proposed Rules:
1.....14933
3.....14933
4.....14933
10.....14933
15.....14933
21.....14933
145.....14933
147.....14933
155.....14933
166.....14933
170.....14933
211.....14595

18 CFR

2.....14361
Proposed Rules:
4.....14973, 15134
11.....14973, 15134
271.....14974, 14975

19 CFR

10.....14595
143.....14595
Proposed Rules:
10.....15153
111.....15154
177.....14000

20 CFR

Proposed Rules:
404.....15485

21 CFR

5.....13974
81.....13975, 13976
82.....13976
101.....15236
155.....15241
177.....15242
520.....15243
524.....15243
558.....15244–15246
1003.....13978
1240.....13978
Proposed Rules:
101.....14000
148.....14001, 14002
158.....14002
182.....15270, 15271
184.....15270, 15271
201.....14000
211.....14003
501.....14000
701.....14000
801.....14000
1030.....15271
1301.....14640

22 CFR

504.....15464

23 CFR

Ch.I.....14844

24 CFR

200.....15247
203.....15247
215.....13978
236.....13978
425.....13978
426.....13978

26 CFR

1.....15123
48.....14361
145.....14361, 14372
Proposed Rules:
1.....14640, 14641
4.....14641
301.....14389

27 CFR

9.....14374
178.....13982
Proposed Rules:
9.....14390–14396

28 CFR

2.....14376
Proposed Rules:
16.....15160

29 CFR

Proposed Rules:
1910.....14005

30 CFR

700.....13984
701.....13984, 14814
740.....13984
741.....13984
742.....13984
743.....13984
744.....13984
745.....13984
746.....13984
779.....14814
780.....14814
783.....14814
784.....14814
816.....14814
817.....14814
828.....14814
Proposed Rules:
921.....14006
932.....14005
942.....14013

32 CFR

706.....15247
806.....15248
930.....15255
Proposed Rules:
62b.....15485

33 CFR

74.....15467
100.....15124
207.....13985
Proposed Rules:
100.....15163
110.....15489
117.....15164, 15165

34 CFR

668.....15578
682.....14316
Proposed Rules:
682.....14344

35 CFR

10.....14597

36 CFR

Proposed Rules:
7.....14976
13.....14978

38 CFR

3.....15124
17.....14378
21.....14378
Proposed Rules:
1.....14659, 15271, 15272
21.....15491

39 CFR

10.....15469
Proposed Rules:
10.....14660
111.....15492

40 CFR

81.....14379
122.....14146
123.....14146
124.....14146
125.....14146
144.....14146
145.....14146
146.....14146
180.....14896, 14897
228.....14898
233.....14146
260.....14146
261.....14146, 15256
262.....14146
263.....14146
264.....14146
265.....14146
270.....14146
271.....14146
469.....15382
761.....15125
Proposed Rules:
52.....14661, 15273, 15493, 15498
61.....15076
81.....15166, 15273
123.....14662, 15167
180.....15982, 15983
260.....14472
261.....14472, 14514
264.....14472, 14514
265.....14472, 14514
266.....14472
421.....14399
465.....14399, 14663
775.....14514

41 CFR

1–1.....14899
1–2.....14899
1–3.....14899
1–6.....14899
101–20.....13986

42 CFR

405.....14802
Proposed Rules:
447.....14664

43 CFR

24.....13986
Proposed Rules:
8560.....15275
Public Land Orders:
6366.....14597

44 CFR

64.....14380
Proposed Rules:
59.....15278
61.....15278

46 CFR

4.....15125
26.....15125
35.....15125
50.....15469
66.....15469
78.....15125
97.....15125
106.....15469
109.....15125
110.....15469
167.....15125
185.....15125
196.....15125

47 CFR

73.....14598–14600, 15475
Proposed Rules:
15.....14399
43.....14668
73.....14399, 14670–14699
76.....14399

49 CFR

1.....15127, 15476
23.....15476
173.....15127
177.....15127
178.....15127

Proposed Rules:
Ch. X..... 15167
387..... 15499
391..... 14413

50 CFR

351..... 15129
611..... 14554, 15259
642..... 14382
654..... 14903
655..... 14554
656..... 14554
657..... 14554
658..... 14903
671..... 15259

Proposed Rules:
17..... 15168, 15428, 15434
20..... 14700
285..... 14416

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

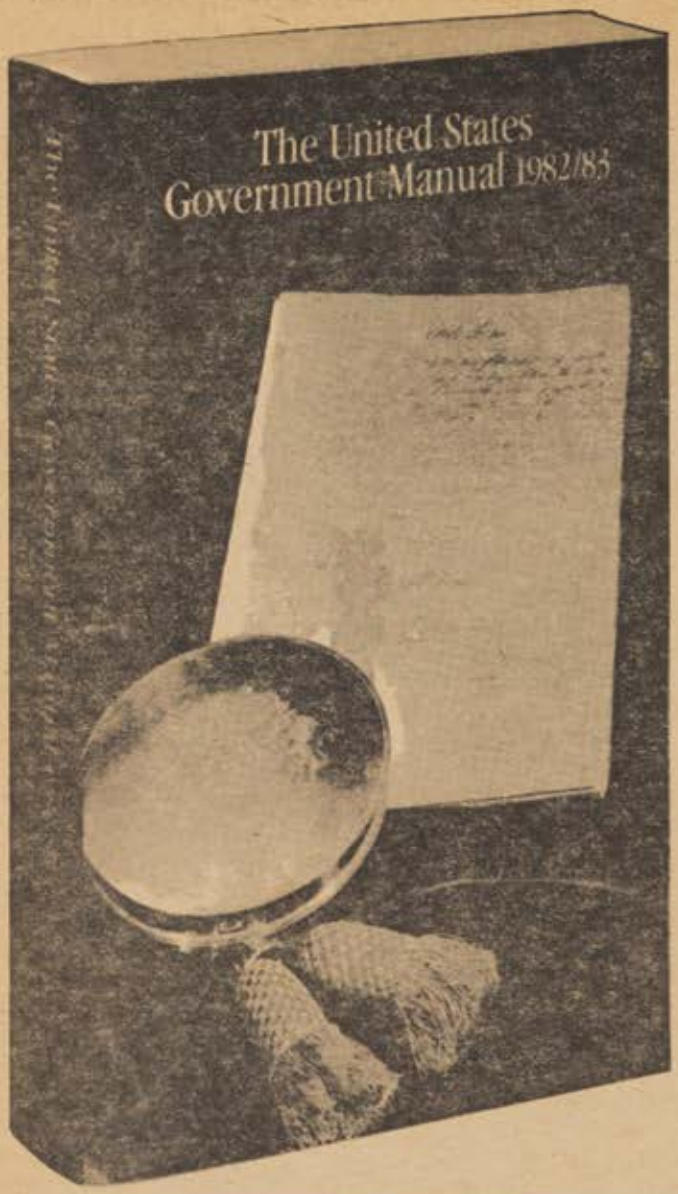
The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing April 8, 1983



Order Now!

The United States Government Manual 1982/83

As the official handbook of the Federal Government, the *Manual* is the best source of information on the activities, functions, organization, and principal officials of the agencies of the legislative, judicial, and executive branches. It also includes information on quasi-official agencies and international organizations in which the United States participates.

Particularly helpful for those interested in where to go and who to see about a subject of particular concern is each agency's "Sources of Information" section, which provides addresses and telephone numbers for obtaining specifics on consumer activities, contracts and grants, employment, publications and films, and many other areas of citizen interest. The *Manual* also includes comprehensive name, subject, and agency indexes.

Of significant historical interest is Appendix A, which describes the agencies and functions of the Federal Government abolished or transferred subsequent to March 4, 1933.

The *Manual* is published by the Office of the Federal Register, National Archives and Records Service, General Services Administration.

$9.50 per copy

Order Form

Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐–☐

Order No. _____

MasterCard and VISA accepted.

MasterCard VISA

Credit Card Orders Only

Total charges $_____ Fill in the boxes below

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me _____ copies of The United States Government Manual, 1982/83, at $9.50 per copy. Stock No. 022-003-01082-3

PLEASE PRINT OR TYPE

Company or Personal Name

Additional address/attention line

Street address

City State ZIP Code

(or Country)

For Office Use Only

Quantity	Charges
_____ Publications	
_____ Subscription	
Special Shipping Charges	
International Handling	
Special Charges	
OPNR	
_____ UPNS	
_____ Balance Due	
_____ Discount	
_____ Refund	

882