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Federal Register

Wednesday
April 13, 1983

Selected Subjects

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Selected Subjects

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Presidential Documents

Title 3—

The President

Proclamation 5047 of April 11, 1983

National Arthritis Month, 1983

By the President of the United States of America

A Proclamation

Arthritis, the oldest known group of chronic diseases, is still the Nation's greatest crippler. At least 35 million Americans—about one in seven—have some form of arthritis.

The total cost of arthritis must be counted not only in terms of socioeconomic losses, but also in terms of human suffering and disability. Uncontrolled arthritis has major negative social, psychological, and economic impacts not only on the patients who suffer from arthritis, but also on their families and on our society in general.

We have learned a great deal through research, but as yet these disorders are not fully understood and are not adequately controllable. We must meet the critical need for new research ideas and productive research studies upon which advances in the area of arthritis treatment and prevention can be based. Our goal continues to be the eventual elimination of arthritis as a cause of human suffering and economic burden to our Nation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in accordance with Senate Joint Resolution 32, do hereby proclaim the month of May 1983 as National Arthritis Month. I urge the people of the United States and educational, philanthropic, scientific, medical and health care organizations, and professionals to support appropriate efforts to discover the causes and cures of all forms of arthritis and to alleviate the suffering of victims of these disorders.

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

Ronald Reagan

[FR Doc. 83-9964
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Rules and Regulations

Federal Register
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Wednesday, April 13, 1983

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 419

Barley Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Barley Crop Insurance Regulations (7 CFR Part 419) effective for the 1984 and succeeding crop years by: (1) Changing the policy to make it easier to read and understand; (2) eliminating the reduction in production guarantee for unharvested acreage; (3) eliminating the substitute crop provision; (4) adding a 60-day claim for indemnity provision; (5) clarifying the provision determining production to count when small grains are growing with other planted or volunteer crops; (6) adding a section regarding appraisals immediately following the end of the insurance period for unharvested acreage; (7) changing the cancellation and termination for indebtedness dates; (8) revising the unit definition to provide for unit determination when the acreage report is filed; (9) adding a section concerning descriptive headings; and (10) making format and language corrections for purposes of clarification.

DATES: Effective: April 13, 1983. Comment date: Written comments, data, and opinions on this rule must be submitted not later than June 13, 1983, to be sure of consideration.

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

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

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

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this rule applies (7 CFR Part 419) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981). This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). The sunset review date established for these regulations is February 1, 1987.

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

The title and number of the Federal Assistance Program to which this rule applies are: Title—Crop Insurance; Number 10.450.

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

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

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

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

List of Subjects in 7 CFR Part 419

Crop insurance, Barley.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Barley Crop Insurance Regulations (7 CFR Part 419), effective for the 1984 and succeeding crop years, to read as follows:

PART 419—BARLEY CROP INSURANCE

Subpart—Regulations for the 1984 and Succeeding Crop Years

Sec.

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

§ 419.1 Availability of Barley Insurance.

Insurance shall be offered under the provisions of this subpart on barley in counties within limits prescribed by, and in accordance with the provisions of the Federal Crop Insurance Act, as

amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which barley insurance will be offered.

§ 419.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for barley which shall be shown on the county actuarial table on file in the service office and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 419.3 [Reserved]

§ 419.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 419.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the barley insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured, or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believes to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000 finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured persons relied thereon in good faith and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 419.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance. The contract shall cover the barley crop as provided in the policy. The contract shall consist of the application, the policy, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the service office.

§ 419.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the barley crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date for the county on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extending date on file in the service office in the county and publishing a notice in the **Federal Register** upon the Manager's determination that no selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) Barley contracts in effect for the 1983 crop year are amended by the substitution of the 1984 contract and are continuous unless terminated in accordance with their terms. A new application is not required by these regulations for the 1984 crop year.

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

Department of Agriculture—Federal Crop Insurance Corporation

Barley

Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.) AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the permium and your compliance with all applicable provisions. Throughout this policy "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of Loss.

a. The insurance provided is against unavoidable loss of production resulting from adverse weathe conditions, fire, insects, plant disease, wildlife, earthquake, or volcanic eruption occurring within the insurance period, unless those causes are excepted, excluded, or limited by the actuarial table or section 9b(6).

b. We shall not insure against any cause of loss of production due to:
   (1) the neglect or malfeasance of you, any member of your household, your tenants or employees;
   (2) the failure to follow recognized good barley farming practices;
   (3) damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or
   (4) any cause not specified in section 1a as an insured loss.

2. Crop, Acreage, and Share Insured.

a. The crop insured shall be barley which is planted for harvest as grain, which is grown on insured acreage, and for which we provide a guarantee and premium rate on the actuarial table. A mixture of barley with either oats or wheat or both planted for harvest as grain may also be insured if provided for on the actuarial table. The production from such mixture shall be considered as barley on a weight basis.

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

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

d. We do not insure any acreage:
   (1) where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;
   (2) which is irrigated and an irrigated practice is not provided for on the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;
   (3) which is destroyed and we determine it is practical to replant to barley and such acreage was not replanted;

(4) initially planted after the final planting date contained in the actuarial table, unless you agree to coverage reduction by execution of a "Late Planting Option Agreement."
(5) of volunteer barley;
(6) planted to a type or variety of barley not established as adapted to the area or excluded on the actuarial table; or
(7) planted with another crop except as provided in section 2a.

e. Where insurance is provided for an irrigated practice:
(1) you shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good barley irrigation practice at the time of planting; and
(2) any loss of production caused by failure to carry out a good barley irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

f. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured unless we agree in writing to insure such acreage.

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

3. Report of Acreage, Share, and Practice.

You shall report on our form:
a. all the acreage of barley in the county in which you have a share;
b. the practice, if applicable; and
c. your share at the time of planting.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any barley planted in the county. This report shall be submitted annually on or before the reporting date established in the actuarial table. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production Guarantees, Coverage Levels, and Prices for Computing Indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities shall be contained in the actuarial table.

b. You may change the coverage level and price election on or before the closing date contained in the actuarial table for submitting applications for the crop year.

5. Annual Premium.

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

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE[1]

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

PERCENTAGE ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE[1]

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

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

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

c. Any premium adjustment applicable to the contract shall be transferred to:
(1) the contract of your estate or surviving spouse in case of your death;
(2) the contract of the person who succeeds you if such person had previously participated in the farming operation; or
(3) your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience

but no premium reduction under section 5a shall be applicable.

6. Deductions for Debt.

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

7. Insurance Period.

a. Insurance attaches when the barley is planted except that in counties with an April 15 cancellation/termination date, insurance on fall planted barley shall attach April 16 following planting provided we determine there is an adequate stand on this date to produce a normal crop.

b. Insurance ends at the earliest of:
(1) total destruction of the barley;
(2) combining, threshing or removal from the field;
(3) final adjustment of a loss; or
(4) the date shown below of the calendar year in which the barley is normally harvested:
(a) Alaska, September 10; and
(b) All other states, October 31.

8. Notice of Damage or Loss.

a. In case of damage or probable loss:
(1) You must give us written notice if:
(a) during the period before harvest, the barley on any unit is damaged and you decide not to further care for or harvest any part of it;
(b) you want to consent to put the acreage to another use; or
(c) after consent to put acreage to another use is given, additional damage occurs.
Insured acreage may not be put to another use until we have appraised the barley and given written consent. We shall not consent to another use until it is too late to replant. You must notify us when such acreage is put to another use.
(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.
(3) If probable loss is later determined, immediate notice shall be given and:
(a) all residue on the unit shall be left intact for a period of 7 days from the date harvest is completed unless earlier released by us; or
(b) a representative sample of the unharvested barley at least 10 feet wide and the entire length of the field shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.
(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:
(a) total destruction of the barley on the unit;
(b) harvest of the unit; or
(c) the calendar date for the end of the insurance period.

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

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

9. Claim for Indemnity.

a. Any claim for indemnity on a unit shall be submitted to us on our prescribed form not later than 60 days after the earliest of:
(1) total destruction of the barley on the unit;
(2) harvest of the unit; or
(3) the calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:
(1) establish the total production of barley on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and
(2) furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:
(1) multiplying the insured acreage by the production guarantee;
(2) subtracting therefrom the total production of barley to be counted under section 9d;
(3) multiplying the remainder by the price election; and
(4) multiplying this result by your share.
If the information reported by you results in a lower premium than the actual premium determined to be due the indemnity shall be reduced proportionately.

d. The total production to be counted for a unit shall include all harvested and appraised production.
(1) Mature barley production:
(a) which otherwise is not eligible for quality adjustment and which grades No. 4 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 14.5 percent; or
(b) which, due to insurable causes, does not grade No. 4 or better, or is graded smutty, garlicky, or ergoty, in accordance with the Official United States Grain Standards, shall be adjusted by:
(i) dividing the value per bushel of such barley, as determined by us, by the price per bushel of U.S. No. 2 barley; and
(ii) multiplying the result by the number of bushels of such barley.
The applicable price for No. 2 barley shall be the local market price on the earlier of the day the loss is adjusted or the day such barley was sold.
(2) Any mature production from other crops growing in the barley shall be counted as barley on a weight basis.
(3) Appraised production to be counted shall include:
(a) unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good barley farming practices;
(b) not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;
(c) any appraised production on unharvested acreage.
(4) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use shall be considered production unless such acreage:
(a) is not put to another use before harvest of barley becomes general in the county;
(b) is harvested; or
(c) is further damaged by an insured cause before the acreage is put to another use.
(5) We may determine the amount of production of any unharvested barley on the basis of field appraisals immediately after the end of the insurance period.
(6) When you have elected to exclude hail and fire as insured causes of loss and the barley is damaged by hail or fire, appraisals shall be made in accordance with the terms of Form FCI-78, "Request to Exclude Hail and Fire."
(7) The production of units commingled shall be allocated to such units in proportion to the liability on the harvested acreage of each unit.

e. You shall not abandon any insured acreage to us.

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

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

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

i. If you have other fire insurance and fire damage occurs during the insurance period and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:
(1) the amount of indemnity determined pursuant to this contract without regard to any other insurance; or
(2) the amount determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by us.

10. Concealment or Fraud.

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

11. Transfer of Right to Indemnity on Insured Share.

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

12. Assignment of Indemnity.

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

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

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

14. Records and Access to Farm.

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

15. Life of Contract: Cancellation and Termination.

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

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

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

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

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

d. Following are the cancellation and termination dates:

State and county	Cancellation and termination for indebtedness dates
Kit Carson, Lincoln, Elbert, El Paso, Pueblo, Las Animas Counties, Colorado and all Colorado counties lying south and east thereof; Kansas; New Mexico except Taos County; Oklahoma and Texas.	August 31.
Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, Massachusetts and all States lying south and east thereof.	September 30.
Arizona, California, Clark and Nye Counties, Nevada.	October 31.
All other Colorado counties; all other Nevada counties; Taos County, New Mexico and all other States.	April 15.

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

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

16. Contract Changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table shall provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by the December 31 preceeding the cancellation date in those counties with an April 15 cancellation date and by May 31 proceeding the cancellation date for all other counties. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of Terms.

For the purposes of barley crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices where applicable, insurable and uninsurable acreage, and related information regarding barley insurance in the county.

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

c. "Crop year" means the period within which the barley is normally grown and shall be designated by the calendar year in which the barley is normally harvested.

d. "Harvest" means the severance of mature barley from the land by combining or for threshing.

e. "Insurable acreage" means the land we classify as insurable and show as insurable on the actuarial table.

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

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

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

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

j. "Unit" means all insurable acreage of barley in the county on the date of planting for the crop year:

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

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

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

18. Descriptive Headings.

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

Appendix A—Counties Designated for Barley Crop Insurance—7 CFR Part 419

In accordance with the provisions of 7 CFR 419.1, the following counties are designated for barley crop insurance:

Alabama

All counties

Alaska

All counties

Arizona

Cochise
Graham
Maricopa
Mohave
Navajo
Pima
Pinal
Yuma

Arkansas

All counties

California

Alameda
Amador
Butte
Colusa
Contra Costa
Fresno
Glenn
Imperial
Kern
Kings
Lake
Lassen

Los Angeles
Madera
Mendocino
Merced
Modoc
Monterey
Orange
Plumas
Riverside
Sacramento
San Benito
San Bernardino
San Diego
San Joaquin
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Shasta
Siskiyou
Solano
Sonoma
Stanislaus
Sutter
Tehama
Tulare
Ventura
Yolo
Yuba

Colorado

Adams
Alamosa
Arapahoe
Archuleta
Baca
Bent
Boulder
Cheyenne
Conejos
Costilla
Crowley
Custer
Delta
Dolores
Douglas
Eagle
Elbert
El Paso
Fremont
Garfield
Huerfano
Jefferson
Kiowa
Kit Carson
La Plata
Larimer
Las Animas
Lincoln
Logan
Mesa
Moffatt
Montezuma
Montrose
Morgan
Otero
Ouray
Phillips
Pitkin
Prowers
Pueblo
Rio Blanco
Rio Grande
Routt
Saguache
San Miguel
Sedgwick
Washington
Weld
Yuma

Connecticut

Litchfield

Delaware

All counties

Georgia

Baker
Banks
Bibb
Brooks
Burke
Carroll
Cherokee
Coffee
Coweta
Crawford
Crisp
Dooly
Elbert
Emanuel
Forsyth
Franklin
Fulton
Glascock
Gordon
Gwinnett
Habersham
Hall
Haralson
Hart
Heard
Henry
Houston
Jackson
Jefferson
Jenkins
Johnson
Lamar
Lee
Lincoln
McDuffie
Macon
Madison
Marion
Meriwether
Mitchell
Morgan
Murray
Newton
Oglethorpe
Peach
Pike
Pulaski
Rabun
Richmond
Schley
Spalding
Sumter
Taylor
Upson
Walker
Walton
Warren
Washington
Webster
Wheeler
White
Wilcox
Wilkes
Wilkinson

Idaho

All counties except
Shoshone

Illinois

All counties

Indiana

All counties

Iowa

All counties

Kansas

All counties

Kentucky

All counties except:
Bell
Elliott
Harlan
Lawrence
Leslie
Letcher
Martin
Perry
Pike

Louisiana

All parishes

Maine

Aroostook
Penobscot

Maryland

All counties

Massachusetts

Berkshire
Franklin

Michigan

All counties

Minnesota

All counties

Mississippi

All counties

Missouri

All counties

Montana

All counties

Nebraska

Antelope
Banner
Boone
Box Butte
Boyd
Brown
Buffalo
Burt
Butler
Cass
Cedar
Chase
Cherry
Cheyenne
Clay
Colfax
Cuming
Custer
Dakota
Dawes
Dawson
Deuel
Dixon
Dodge
Douglas
Dundy
Franklin
Frontier
Gage
Garden
Garfield
Greeley
Harlan
Hayes
Hitchcock
Holt
Howard
Jefferson
Johnson
Keith
Keyapaha
Kimball
Knox
Lancaster
Lincoln
Logan
Madison
Merrick
Morrill
Nance
Nuckolls
Pawnee
Perkins
Pierce
Platte
Redwillow
Richardson
Rock
Saline
Sarpy
Saunders
Scotts Bluff
Seward
Sheridan
Sherman
Sioux
Stanton
Thurston
Valley
Washington
Wayne
Webster
York

Nevada

All counties

New Jersey

All counties except:
Bergen
Essex
Hudson
Passaic
Union

New Mexico

All counties except:
Grant
Harding
Lincoln
McKinley
Sandoval
Santa Fe

New York

Allegany
Broome
Cattaraugus
Cayuga
Chautauqua
Chemung
Columbia
Cortland
Delaware
Dutchess
Erie
Essex
Franklin
Genesee
Herkimer
Jefferson
Lewis
Livingston
Madison
Monroe
Montgomery
Niagara
Oneida
Onondaga
Ontario
Orleans
Oswego
Otsego
St. Lawrence
Saratoga
Schenectady
Schoharie
Schuyler
Seneca
Steuben
Suffolk
Sullivan
Tioga
Tompkins
Washington
Wayne
Wyoming
Yates

North Carolina

All counties except:
Ashe
Avery
Cherokee
Clay
Dare
Graham
Haywood
Jackson
Macon
Mitchell
Swain
Transylvania
Watauga
Yancey

North Dakota

All counties

Ohio

All counties

Oklahoma

Alfalfa
Atoka
Beaver
Beckham
Blaine
Caddo
Canadian
Cimarron
Cleveland
Coal
Comanche
Cotton
Custer
Delaware
Dewey
Ellis
Garfield
Garvin
Grady
Greer
Harmon
Harper
Jackson
Kay

Kingfisher
Kiowa
Lincoln
Logan
McClain
McCurtain
Major
Marshall
Murray
Muskogee
Noble
Nowata
Okfuskee
Oklahoma
Osage
Pawnee
Payne
Pittsburg
Pottawatomie
Roger Mills
Rogers
Stephens
Texas
Tillman
Wagoner
Washington
Washita
Woods
Woodward

Oregon

All counties except:
Clatsop
Coos
Curry
Hood River
Lincoln
Tillamook

Pennsylvania

All counties except:
Forest
Lackawanna
Philadelphia
Pike
Wayne

South Carolina

All counties except:
Barnwell
Beaufort
Charleston
Fairfield
Georgetown
Hampton
Horry
Jasper
McCormick
Marion
Williamsburg

South Dakota

All counties except:
Armstrong
Washabaugh
Washington

Tennessee

All counties

Texas

Archer
Armstrong
Atascosa
Bailey
Bandera
Baylor
Bell
Bexar
Blanco
Borden
Bosque
Briscoe
Brown
Burnet
Callahan
Carson
Castro
Clay
Coke
Coleman
Collin
Collingsworth
Comal
Comanche
Concho
Cooke
Coryell
Cottle
Crosby
Culberson
Dallam
Dallas
Deaf Smith
Denton
Dickens
Donley
Eastland
Ector
Ellis
El Paso
Erath
Falls
Fannin
Fisher
Floyd
Frio
Gillespie
Glasscock
Gray
Grimes
Guadalupe
Hale
Hamilton
Hansford
Hardeman
Hartley
Haskell
Hill
Hood
Howard
Hudspeth
Hutchinson
Irion
Jack
Johnson
Jones
Kaufman
Kendall
Kerr
Kimble
Knox
Lamar
Lamb
Lampasas
La Salle
Lee
Lipscomb
Lubbock
Lynn
McCulloch
Mason
Medina
Menard
Milam
Mills
Mitchell
Montahue
Moore
Morris
Nolan
Ochiltree
Oldham
Palo Pinto
Parker
Parmer
Pecos
Potter
Randall
Reeves
Runnels
San Saba
Schleicher
Scurry
Shackelford
Shelby
Sherman
Stephens
Sterling
Stonewall
Sutton
Swisher
Taylor
Terry
Throckmorton
Tom Green
Uvalde
Ward
Wheeler
Wichita
Wilbarger
Wise
Yoakum
Young

Utah

All counties except
Daggett

Vermont

All counties

Virginia

All counties except
Arlington

Washington

All counties except
Jefferson

West Virginia

Barbour
Berkeley
Brooke
Cabell
Fayette
Grant
Greenbrier
Hampshire
Hancock
Hardy
Harrison
Jackson
Jefferson
Marshall
Mason
Mineral
Monroe
Morgan
Nicholas
Ohio
Pendleton
Pleasants
Pocahontas
Preston
Putnam
Randolph
Ritchie
Summers
Tucker
Wood

Wisconsin

All counties

Wyoming

All counties except
Sublette and Teton.

Done in Washington, D.C., on February 23, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: April 5, 1983.
Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 83-9706 Filed 4-12-83; 8:45 am]
BILLING CODE 3410-08-M

7 CFR Part 427

Oat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Oat Crop Insurance Regulations (7 CFR Part 427) effective for the 1984 and succeeding crop years by: (1) Changing the policy to make it easier to read and understand; (2) eliminating the reduction in production guarantee for unharvested acreage; (3) eliminating the substitute crop provision; (4) adding a 60-day claim for indemnity provision; (5) clarifying the provision determining production to count when small grains are growing with other planted or volunteer crops; (6) adding a section regarding appraisals immediately following the end of the insurance period for unharvested acreage; (7) changing the cancellation and termination for indebtness dates; (8) revising the unit definition to provide for unit determination when the acreage report is filed; (9) adding a section concerning descriptive headings; and (10) making format and language corrections for purposes of clarification.

DATE: Effective April 13, 1983. Written comments, data, and opinions on this rule, must be submitted not later than June 13, 1983, to be sure of consideration.

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

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

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

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this rule applies (7 CFR Part 427) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

This action has been reviewed under USDA procedures established in

Secretary's Memorandum No. 1512-1 (June 11, 1981).

Merritt W. Sprague, Manager, FCIC, has determined that: That action also constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1. The sunset review date established for these regulations is February 1, 1987; (1) This action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this rule applies are: Title—Crop Insurance; Number 10.450.

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

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

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

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

List of Subjects in 7 CFR Part 427

Crop insurance, Oats.

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1601 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Oat Crop Insurance Regulations (7 CFR Part 427), effective for the 1984 and succeeding crop years, to read as follows:

PART 427—OAT CROP INSURANCE

Subpart—Regulations for the 1984 and Succeeding Crop Years

Sec.

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

Subpart—Regulations for the 1984 and Succeeding Crop Years

§ 427.1 Availability of oat crop insurance.

Insurance shall be offered under the provisions of this subpart on oats in counties within limits prescribed by, and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which oat insurance will be offered.

§ 427.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for oats which shall be shown on the county actuarial table on file in the service office and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 427.3 [Reserved]

§ 427.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 427.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the oat insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured, or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believes to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000 finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured persons relied thereon in good faith and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 427.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance. The contract shall cover the wheat crop as provided in the policy. The contract shall consist of the application, the policy, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the service office.

§ 427.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the oat crop as landlord, owner-operator or tenant. The application shall be submitted to

the Corporation at the service office, on or before the applicable closing date for the county on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the service office in the county and publishing a notice in the **Federal Register** upon the Manager's determination that no selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) Oats contracts in effect for the 1983 crop year are amended by the substitution of the 1984 contract and are continuous unless terminated in accordance with their terms. A new application is not required by these regulations for the 1984 crop year.

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

Department of Agriculture—Federal Corp Insurance Corporation

Oat—Crop Insurance Policy

[This is a continuous contract. Refer to Section 15]

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

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

Terms and Conditions

1. Causes of Loss

a. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, fire, insects, plant disease, wildlife, earthquake, or volcanic eruption occurring within the insurance period, unless those causes are excepted, excluded, or limited by the actuarial table or section 9d(6).

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

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

(2) The failure to follow recognized good oat farming practices;

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

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

2. Crop, Acreage, and Share Insured

a. The crop insured shall be either oats or grain mixtures (in which oats are the predominant grain) which are planted for harvest as either grain, silage or hay and which are grown on insured acreage and for which we provide a guarantee and premium rate on the actuarial table.

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

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

d. We do not insure any acreage:

(1) Planted with flax or vetch;

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

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

(4) Which is destroyed and we determine it is practical to replant to oats and such acreage was not replanted;

(5) Initially planted after the final planting date contained in the actuarial table, unless you execute an option form agreeing to coverage reduction;

(6) Of volunteer oats; or

(7) Planted to a type or variety of oats not established as adapted to the area or excluded on the actuarial table.

e. Where insurance is provided for an irrigated practice:

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

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

f. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured unless we agree in writing to insure such acreage.

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

3. Report of Acreage, Share, and Practice

You shall report on our form:

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

b. The practice where applicable; and

c. Your share at the time of planting.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any oats planted in the county. This report shall be submitted annually on or before the reporting date established in the actuarial table. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production Guarantees, Coverage Levels, and Prices for Computing Indemnities

a. The production guarantees, coverage levels, and prices for computing indemnities shall be contained in the actuarial table.

b. You may change the coverage level and price election on or before the closing date contained in the actuarial table, for submitting applications for the crop year.

5. Annual Premium

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

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE[1]

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

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

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

PERCENTAGE ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE [1]

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

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

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

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

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

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

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

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

6. Deductions for Debt

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

7. Insurance Period

a. Insurance attaches when the oats are planted except that in counties with an April 15 cancellation/termination date, insurance on fall planted oats shall attach April 16 following planting provided we determine there is an adequate stand on this date to produce a normal crop.

b. Insurance ends at the earliest of:

(1) Total destruction of the oats;

(2) Combining, threshing, harvesting for silage or hay, or removal from the field;

(3) Final adjustment of a loss; or

(4) October 31 of the calendar year in which oats are normally harvested.

8. Notice of Damage or Loss

a. In case of damage or probable loss:

(1) you must give us written notice if:

(a) During the period before harvest, the oats on any unit are damaged and you decide not to further care for or harvest any part of them;

(b) You want our consent to put the acreage to another use;

(c) You want to harvest the oats for silage or hay. After such notice is given, we shall appraise the potential grain production. *However,* if we are unable to do so before harvest, you may harvest the crop provided representative samples as we direct are left for appraisal purposes; or

(d) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the oats and given written consent. We shall not consent to another use until it is too late to replant. You must notify us when such acreage is put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice shall be given and:

(a) All residue on the unit shall be left intact for a period of 7 days from the date harvest is completed unless earlier released; or by us

(b) A representative sample of the unharvested oats at least 10 feet wide and the entire length of the field shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

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

(a) Total destruction of the oats on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

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

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

9. Claim for Indemnity

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

(1) Total destruction of the oats on the unit;

(2) Harvest of the unit; or

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

b. We shall not pay any indemnity unless you:

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

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

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

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of oats to be counted under section 9d;

(3) Multiplying the remainder by the price election; and

(4) Multiplying this result by your share.

If the information reported by you results in a lower premium than the actual premium

determined to be due the indemnity shall be reduced proportionately.

d. The total production to be counted for a unit shall include all harvested and appraised production.

(1) Mature oat production:

(a) Which otherwise is not eligible for quality adjustment and which grades No. 4 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 14.0 percent; or

(b) Which, due to insurable causes, does not grade No. 4 or better, or is graded smutty, garlicky, or ergoty, in accordance with the Official United States Grain Standards, shall be adjusted by:

(i) Dividing the value per bushel of such oats, as determined by us, by the price per bushel of U.S. No. 2 oats; and

(ii) Multiplying the result by the number of bushels of such oats.

The applicable price for No. 2 oats shall be the local market price on the earlier of the day the loss is adjusted or the day such oats were sold.

(2) Any mature production from other crops growing in the oats shall be counted as oats on a weight basis.

(3) Appraised production to be counted shall include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good oat farming practices;

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) Any appraised production on unharvested acreage.

(4) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use shall be considered production unless such acreage:

(a) Is not put to another use before harvest of oats becomes general in the county;

(b) Is harvested; or

(c) Is further damaged by an insured cause before the acreage is put to another use.

(5) We may determine the amount of production of any unharvested oats on the basis of field appraisals immediately after the end of the insurance period.

(6) When you have elected to exclude hail and fire as insured causes of loss and the oats are damaged by hail or fire, appraisals shall be made in accordance with the terms of Form FCI–78, "Request to exclude Hail and Fire."

(7) The production of units commingled shall be allocated to such units in proportion to the liability on the harvested acreage of each unit.

e. You shall not abandon any insured oat acreage to us.

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

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

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

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

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

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

10. Concealment or Fraud

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

11. Transfer of Right To Indemnity on Insured Share

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

12. Assignment of Indemnity

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

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

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

14. Records and Access to Farm

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

15. Life of Contract: Cancellation and Termination

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

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

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

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

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

d. The cancellation and termination dates are:

State and county	Cancellation and termination for indebtedness date
New Mexico except Taos County, Oklahoma, and Texas.	August 31
Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.	September 30
Arizona; California except Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou and Trinity Counties.	October 31
Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou and Trinity Counties, California; Taos County, New Mexico and all other states.	April 15

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

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

16. Contract Changes

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table shall provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by December 31 preceding the cancellation date in those counties with an April 15 cancellation date and by the May 31

preceding the cancellation date for all other counties. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of Terms

For the purposes of oat crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices where applicable, insurable and uninsurable acreage, and related information regarding oat insurance in the county.

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

c. "Crop year" means the period within which the oats are normally grown and shall be designated by the calendar year in which the oats are normally harvested.

d. "Harvest" means the severance of mature oats from the land by combining or for threshing, hay or silage.

e. "Insurable acreage" means the land we classify as insurable and show as insurable on the actuarial table.

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

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

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

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

j. "Unit" means all insurable acreage of oats in the county on the date of planting for the crop year:

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

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

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

18. Descriptive Headings

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

Appendix A

Counties Designated for Oat Crop Insurance—7 CFR Part 427

In accordance with the provisions of 7 CFR 427.1, the following counties are designated for oat crop insurance:

Alabama

Baldwin

Arkansas

Arkansas

California

Modoc
Siskiyou

Colorado

Alamosa

Idaho

Kootenai

Illinois

Boone
Bureau
Carroll
De Kalb
Henry
Jo Daviess
Kane
Knox
LaSalle
Lee
McHenry
Mercer
Ogle
Stephenson
Warren
Whiteside
Will
Winnebago

Iowa

(All counties)

Kansas

Dickinson
Marion

Michigan

Allegan
Alpena
Barry
Calhoun
Clinton
Eaton
Genesee
Huron
Ionia
Isabella
Jackson
Kent
Lapeer
Lenawee
St. Clair
Sanilac
Shiawassee
Tuscola
Washtenaw

Minnesota

All counties except:

Aitkin
Carlton
Cook
Itasca
Koochiching
Lake
Ramsey
St. Louis

Montana

Hill
Judith Basin
Phillips
Richland
Roosevelt
Valley

Nebraska

Antelope
Boone
Boyd
Burt
Butler
Cedar
Colfax
Cuming
Dakota
Dawes
Dixon
Gage
Holt
Knox
Madison
Pierce
Platte
Saunders
Sheridan
Stanton
Thurston
Washington
Wayne

New York

Allegany
Cattaraugus
Cayuga
Erie
Genesee
Herkimer
Jefferson
Livingston
Madison
Monroe
Montgomery
Niagara
Oneida
Onondaga
Ontario
Orleans
Otsego
Seneca
Steuben
Tompkins
Wayne
Wyoming
Yates

North Carolina

Rowan

North Dakota

(All counties)

Ohio

Allen
Ashland
Ashtabula
Auglaize
Carroll
Columbiana
Coshocton
Crawford
Drake
Defiance
Hardin
Holmes
Huron
Knox
Logan
Lorain
Mahoning
Medina
Mercer
Paulding
Portage
Putnam
Richland
Seneca
Shelby
Stark
Trumbull
Van Wert
Wayne
Wood

Oregon

Klamath
Marion
Polk
Yamhill

Pennsylvania

Armstrong
Bedford
Berks
Bradford
Butler
Cambria
Centre
Chester
Clarion
Columbia
Crawford
Cumberland
Dauphin
Erie
Franklin
Indiana
Juniata
Lawrence
Lebanon
Lehigh
Lycoming
Mercer

Northumberland	Tioga
Perry	Union
Schuylkill	Washington
Snyder	Westmoreland
Somerset	York

South Carolina

Sumter

South Dakota

All counties except:

Custer	Shannon
Fall River	Washabaugh
Jones	Washington

Texas

Archer	Hamilton
Bell	Hill
Bexar	Hunt
Bosque	Johnson
Brown	Kaufman
Coleman	Lamar
Collin	Limestone
Concho	McCulloch
Cooke	McLennan
Coryell	Medina
Dallas	Runnels
Denton	San Saba
Erath	Tarrant
Falls	Taylor
Gillespie	Uvalde

Washington

Spokane	Stevens

Wisconsin

All counties except:

Ashland	Menominee
Bayfield	Milwaukee
Douglas	Oneida
Florence	Price
Forest	Sawyer
Iron	Vilas
Lincoln	

Wyoming

Cook

Done in Washington, D.C., on February 23, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Date: April 5, 1983.

Approved by: Merritt W. Sprague,

Manager.

[FR Doc. 83-0690 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 443

Hybrid Seed Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to issue a Part 443 in Chapter IV of Title 7 of the Code of Federal Regulations prescribing procedures for insuring hybrid seed grown under contract to a processor. The intended effect of this rule is to be responsive to producers growing hyrid seed under contract who have expressed a desire for crop insurance protection. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATES:

Effective Date: April 13, 1983.

Comment Date: Written comments on this interim rule must be submitted not later than June 13, 1983, to be sure of consideration.

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

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 445-3325.

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

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

Information collection requirements contained in these regulations (7 CFR Part 443) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

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

The title and number of the Federal Assistance Program to which this interim rule applies are: Title—Crop Insurance; Number 10.450.

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

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

It has also been determined that this action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1712-1 (June 11, 1981). The sunset review date established for these regulations is December 1, 1987.

In the past, crop insurance protection has not been available to growers producing hybrid seed under contract to a processor. Such crops are exposed to similar hazards as other crops insured by FCIC. Following several meetings with producers, FCIC determined that a program of crop insurance protection was necessary. The Board of Directors of FCIC, responding to requests for such an insurance program, authorized the Manager of FCIC to develop a hybrid seed crop insurance program on November 15, 1982. The regulations contained in this interim rule are to become effective for the 1983 and succeeding crop years in certain counties where commercial seed is grown under contract to a seed company. The hybrid seed crop insurance program will offer protection against crop damage or loss due to hail, wind, and other adverse weather conditions, fire, insects, plant disease, wildlife, or earthquake.

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants publication of this rule without public comment because the provisions of 7 CFR 443 require that the regulations, or any amendments thereto, must be placed on file in the service office not later than 15 days prior to the cancellation date to be effective for the 1983 crop year. There would not be sufficient time to provide a normal public comment period and still comply with the provisions of the regulations with respect to placing such regulations on file 15 days prior to the cancellation date. The Federal Crop Insurance Corporation is soliciting public comment on this rule for 60 days after the date of publication and will schedule this rule for review so that any amendments made necessary as a result of public comment may be published in the **Federal Register** as quickly as possible.

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

Under the provisions of 7 CFR § 443.7(b) of the regulations contained herein, the Manager, FCIC, has determined that the sales closing date for accepting applications for hybrid seed crop insurance shall be April 30, effective for the 1983 crop year only.

List of Subjects in 7 CFR Part 443

Crop insurance, Hybrid seed.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby issues a new part in Chapter IV of Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 443 Hybrid Seed Crop Insurance Regulations, effective for the 1983 and succeeding crop years, to read as follows:

PART 443—HYBRID SEED CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1983 and succeeding crop years

Sec.

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

§ 443.1 Availability of hybrid seed insurance.

Insurance shall be offered under the provisions of this subpart on hybrid seed in counties within limits prescribed by, and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which hybrid seed insurance shall be offered.

§ 443.2 Premium rates, production guarantees, coverage levels, and amounts of insurance.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and amounts of insurance for hybrid seed which shall be shown on the county actuarial table on file in the service office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect an amount of insurance per acre and a coverage level from among those levels and amounts shown on the actuarial table for the crop year.

§ 443.3 [Reserved]

§ 443.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 443.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the hybrid seed insurance contract, whenever:

(a) An insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and

(b) The Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereof.

§ 443.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the hybrid seed crop as as provided in the policy. The contract shall consist of the application, the policy, the appendix, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the service office for the county.

§ 443.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the hybrid seed crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date for the county on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the service office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1983 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a hybrid seed contract issued under such prior regulations, without the filing of a new application.

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

Hybrid Seed Crop Insurance Policy

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

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

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

Terms and Conditions

1. Causes of Loss

a. The insurance provided is against unavoidable loss of production resulting from hail, wind and other adverse weather conditions, fire, insects, plant disease, wildlife, earthquake or volcanic eruption occurring within the insurance period, unless those causes are excepted, excluded or limited by the actuarial table or section 9e(4).

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

(1) the use of unadapted, incompatible or other genetically deficient male or female seed;

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

(3) the failure to follow recognized good farming practices, or the grower provisions of the seed contract;

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

(5) damage resulting from frost or freeze after October 20 of the crop year;

(6) any cause not specified in subsection 1a as an insured loss.

2. Crop, Acreage and Share Insured

a. The crop insured shall be any type of female seed ("crop"):

(1) which is planted for harvest, and for which the production is intended for sale on a commercial basis as seed to produce a type of the crop for grain or silage;

(2) which is grown under contract executed with a seed company prior to planting;

(3) which is grown on insured acreage; and

(4) for which we provide an amount of insurance and premium rate on the actuarial table.

b. An instrument in the form of a "lease" under which the insured grower retains control of the acreage on which the insured crop is grown and which provides for delivery of the crop under certain conditions and at a stipulated price(s) shall, for the purpose of this contract, be treated as a contract under which the insured has the share in the crop.

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

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

e. We do not insure any acreage:

(1) which is destroyed and we determine it is practical to replant to the crop and such acreage was not replanted;

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

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

(4) initially planted after the final planting date contained in the actuarial table;

(5) of a volunteer crop type;

(6) planted to a type or variety of the crop not established as adapted to the area or indicated as noninsurable on the actuarial table;

(7) planted with another type of crop;

(8) occupied by rows planted with a mixture of female and male seed;

(9) planted and occupied by the male plants; or

(10) planted for experimental purposes as we determine.

f. Where insurance is provided for an irrigated practice:

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

(2) any loss of production caused by failure to carry out a good crop irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured cause.

g. We may limit the insured acreage to any acreage limitations established under any Act of Congress, if we advise you of the limit prior to the planting.

3. Report of Acreage, Share, and Where Applicable, Practice

You shall report on our form:

a. All the acreage of the crop planted in the county in which you have a share;

b. the farming practice; and

c. your share at the time of planting.

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

4. Production Guarantees, Coverage Levels and Amounts of Insurance

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

b. Your production guarantee per acre by type shall be 50, 65 or 75 percent of the average yield per acre for each variety grown on the unit by you. The yields for the 5-year period immediately preceding the current crop year will be used as the base period. If less than 5 years of yield records are available for any variety, the average yield per acre shall be that established by us. Where more than one variety is grown on a unit, the unit guarantee shall be the combination of the guarantees of each variety grown.

c. You may change the coverage levels and the amounts of insurance before the closing date for submitting applications for the crop year.

5. Annual Premium

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

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE [1]

	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage Adjustment Factor For Current Crop Year															
Loss ratio [2] through previous crop year																
.00-.20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21-.40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41-.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61-.80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81-1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

PERCENTAGE ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE [1]

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

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

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

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

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

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

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

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

6. Deductions for Debt

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

7. Insurance Period

Insurance attaches when both the male and female plant seed are planted and terminates at the earliest of:

(a) total destruction of the crop;

(b) combining, threshing or picking;

(c) Final adjustment of a loss; or

(d) October 31.

8. Notice of Damage or Loss

a. In case of damage or probable loss:

(1) You must give us written notice promptly if:

(a) during the period before harvest, the crop on any unit is damaged and you decide not to further care for it or harvest any part of it;

(b) you want our consent to put the acreage to another use; or

(c) after consent to put acreage to another use is given and additional damage occurs.

Insured acreage may not be put to another use until we have appraised the crop and given written consent. We shall not consent to another use until it is too late to replant. You must notify us when such acreage has been put to another use;

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice shall be given and:

(a) all residue on the unit shall be left intact for a period of 7 days from the date harvest is completed unless earlier released in writing by us; or

(b) a representative sample of the unharvested crop at least ten feet wide and the entire length of the field shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

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

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

(b) harvest of the unit; or

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

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

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

9. Claim for Indemnity

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

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

(2) harvest of the unit; or

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

b. We shall not pay any indemnity unless you:

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

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

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

(1) multiplying the insured acreage by the amount of insurance per acre;

(2) subtracting from the result obtained in (1) the dollar amount obtained by multiplying the total production to be counted by the price. The price will be determined by dividing the amount of insurance per acre by the applicable production guarantee per acre, or if the production is rejected as commercial seed due to insurable causes, by multiplying the bushels or pounds whichever is applicable by the local market price for the generic crop as determined by us on the earlier of the date the loss is adjusted or the date the crop is sold; and

(3) multiplyng this result by your share.

If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

d. The total production to be counted for a unit shall include all harvested and appraised production.

The production of units which are commingled shall be allocated to such units in proportion to the liability on the harvested acreage of each unit.

(1) Appraised production to be counted shall include:

(a) unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good farming practices;

(b) not less than your guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) any appraised production on unharvested acreage.

(2) Any appraisal we have made on insured acreage and given written consent to be put to another use shall be considered as production unless such acreage:

(a) is not put to another use before harvest of the crop becomes general in the county;

(b) is harvested; or

(c) is further damaged by an insured cause before the acreage is put to another use.

(3) We may determine the amount of production of any unharvested acreage of the

crop on the basis of field appraisals immediately after the end of the insurance period.

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

e. You shall not abandon any insured crop acreage to us.

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

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

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

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

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

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

10. Concealment or Fraud

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

11. Transfer of Right To Indemnity on Insured Share

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

12. Assignment of Indemnity

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

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

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

14. Records and Access to Farm

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

15. Life of Contract: Cancellation and Termination

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

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

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

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

(2) if deducted from payment under another program administered by U.S. Department of Agriculture shall be the date such payment was approved.

d. The cancellation date for 1984 and subsequent crop years is April 15, the termination for indebtedness date is April 15.

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

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

16. Contract Changes

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

17. Meaning of Terms

For the purpose of hybrid seed crop insurance:

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

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

(c) "Crop year" means the period within which the crop is normally grown and shall be designated by the calendar year in which the crop is normally harvested.

(d) "Female plant" means the plants grown for the purpose of producing commercial seed.

(e) "Harvest" means the severance of the crop from the land by combining or threshing or removing the grain from the stalk either by hand or machine.

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

(g) "Insured" means the person who submitted the application accepted by us.

(h) "Local Producing Area" means a portion of a county where insurable crops are grown and which borders on a county with a crop insurance program.

(i) "Male plant" means the plants grown for the purpose of shedding pollen on female plants.

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

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

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

(m) "Unit" means all insurable acreage of any one of the crop types referred to on our actuarial table, located on contiguous land in the county on the date of planting the crop year (1) in which you have a 100 percent share or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written

agreement between us and you. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of or reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive Headings

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

Appendix A

Counties Designated for Hybrid Seed Crop Insurance—7 CFR Part 443

The following counties are designated for Hybrid Seed Crop Insurance under the provisions of 7 CFR § 443.1

Illinois

Adams	Lee
Boone	Livingston
Brown	Logan
Bureau	McDonough
Calhoun	McHenry
Carroll	McLean
Cass	Macon
Champaign	Macoupin
Christian	Marshall
Clark	Mason
Coles	Menard
Cook	Mercer
Cumberland	Montgomery
De Kalb	Morgan
De Witt	Moultrie
Douglas	Ogle
Du Page	Peoria
Edgar	Piatt
Ford	Pike
Fulton	Putnam
Greene	Rock Island
Grundy	Sangamon
Hancock	Schuyler
Henderson	Scott
Henry	Shelby
Iroquois	Stark
Jersey	Stephenson
Jo Daviess	Tazewell
Kane	Vermilion
Kankakee	Warren
Kendall	Whiteside
Knox	Will
Lake	Winnebago
La Salle	Woodford

Done in Washington, D.C., on March 28, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

Dated: March 28, 1983.

[FR Doc. 83-8806 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 305]

Valencia Oranges Grown in Arizona and Designated Part of California; Minimum Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This regulation requires fresh California-Arizona Valencia oranges shipped from the production area to be of a size not smaller than 2.32 inches in diameter for the period April 22, 1983 through July 28, 1983. Such action is necessary to promote orderly marketing of suitable sizes of fresh Valencia oranges in the interest of producers and consumers.

DATES: April 22, 1983, through July 28, 1983; comments which are received by May 23, 1983 will be considered prior to issuance of a final rule to become effective July 29, 1983.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D C. 20250.

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

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

This regulation is issued under the marketing agreement and Order No. 908 (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

Under the terms of the regulation size requirements would be effective April 22, 1983 through July 28, 1983. The final regulation will be effective for the period July 29, 1983 through December 29, 1983.

The committee met on March 29, 1983, to consider crop and market conditions and other factors affecting the need for regulation and recommended that Valencia oranges shipped from the production area be limited to sizes not smaller than 2.32 inches in diameter during the period April 22, 1983 through July 28, 1983.

The 1982-83 season crop of Valencias is currently estimated at 60,800 carlots, compared to 35,100 carlots utilized during the past season. The committee reports that demand in regulated fresh channels is expected to require about 35 percent of this volume. The remaining 65 percent would be available for utilization in export and processing outlets. The committee indicates that volume and size composition of the crop of Valencias are such that more than ample supplies of the more desirable larger sizes will be available to satisfy the demand in regulated channels. The committee also reports that when more than ample supplies of larger sizes are available for shipment, disposition of the sizes which would be eliminated by this regulation can be accomplished only at a substantial price discount and this tends to depress the market for all sizes. Valencia oranges failing to meet such requirements could be shipped to fresh export markets, left on trees to attain further growth, or utilized in processing. In those circumstances, elimination of sizes smaller than those specified is appropriate in the interest of producers and consumers.

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

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges (Valencia).

PART 908—[AMENDED]

Therefore, § 908.605 is added to read as follows (§ 908.605 expires July 28, 1983, and will not be published in the annual code of Federal Regulations):

§ 908.605 Valencia Orange Regulation 305.

(a) During the period April 22, 1983, through July 28, 1983, no handler shall handle any Valencia oranges grown in the production area which are of a size smaller than 2.32 inches in diameter: *Provided,* that not to exceed five percent, by count, of the oranges in any container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handler", "handle" and "production area" mean the same as defined in the marketing order. Diameter shall mean the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit.

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

Dated: April 8, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-9689 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1945

Emergency Loans; Clarification of Method of Determining Occurrence of a Natural Disaster

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its Emergency (EM) loan regulations to clarify the method the Secretary of Agriculture uses to determine that a natural disaster has occurred. This action is taken in response to questions that have been raised as to whether existing regulations comply with a statutory change. The intended effect of this action is to (1) more closely track the statute, (2) more clearly reflect the practices followed in making EM loans available to victims of natural disasters, and (3) more clearly define what constitutes a natural disaster.

DATES: Interim rule effective April 13, 1983. This interim rule is subject to revision following a comment period of 30 days from the date of publication. It is applicable to all disasters which may be considered under the time periods specified herein and for which an affirmative or negative natural disaster determination has not previously been made; provided that no consideration will be given to any potential disaster occurring prior to January 1, 1982.

ADDRESSES: Submit written comments in duplicate to Carl Opstad, Chief, Directives, Management Branch, Farmers Home Administration, USDA, Room 6346–S, Washington D.C. 20250, telephone 202–382–9725. All written comments made pursuant to this notice will be available for public inspection during regular work hours at the above address.

FOR FURTHER INFORMATION CONTACT: Wilbert Campbell, Acting Chief, Loan Processing Branch, Emergency Division, Farmers Home Administration, USDA, Room 5344–S, Washington, D.C. 20250, Telephone 202–382–1652.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be nonmajor, because there is no substantial change from practices under existing rules and no annual effect on the economy of $100 million or more; or a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Information collection requirements contained in this regulation (Sections 1945.19(c), 1945.20(b), 1945.20(c), 1945.20(d), 1945.20(e), and 1945.25(b)) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. § 3501 *et seq.* and have been assigned OMB No. 0575–0054.

The statute, 7 U.S.C. 1961(a), as amended, states:

> The Secretary shall make and insure loans under this Subchapter only to the extent and in such amounts as provided in advance in appropriation Acts to (1) established farmers, ranchers, or persons engaged in aquaculture, who are citizens of the United States, and (2) farm cooperatives or private domestic corporations or partnerships in which a majority interest is held by members, stockholders, or partners who are citizens of the United States if the cooperative, corporation, or partnership is engaged primarily in farming, ranching, or aquaculture, where the Secretary finds that the applicants' farming, ranching, or aquaculture operations have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Disaster Relief Act of 1974: *Provided,* That they have experience and resources necessary to assure a reasonable prospect for successful operation with the assistance of such loan and are not able to obtain sufficient credit elsewhere.

The existing regulation defines a natural disaster, in § 1945.6(b)(2) in terms of a weather event alone, without reference to the consequences of such event. Section 1945.20 provides criteria under which the Secretary makes such loans available in a county in which unusual and adverse weather conditions have substantially affected agriculture. A county is substantially affected when there is a production loss of at least a 30 percent reduction in the normal year's dollar value of all cash crops produced in the county. Physical loss EM loans are available when physical farm property, if not repaired or replaced, would make it impossible for farmers to continue to operate their farms on a sound basis (§ 1945.6(f)). The Administrator may make or authorize the State Director to make EM loans available on the same basis if fewer than 10 percent of the farmers in a county are affected. There is also a provision for reconsideration after a request for designation of a county has been rejected by the Secretary. The Administrator may then make loans available if (1) 10 percent, or more, of the farmers in the county have qualifying losses, and (2) adequate credit from other sources is not available. The Secretary may also, at the Administrator's request, make an exception to the substantial loss requirement if (1) there are unusual and extenuating circumstances in that farmers producing only a single crop have disaster-related qualifying losses, (2) such farmers cannot obtain credit from other sources, and (3) such farmers constitute 10 percent or more of the farmers in the county.

The changes made by this interim rule recognize that a determination that a natural disaster has occurred includes consideration of both (1) the adverse weather event and (2) the nature and extent of losses sustained by farmers as a result of the event. When unusual and adverse weather conditions or natural phenomena result in qualifying physical property losses, the Administrator immediately makes EM loans available. In case of production losses, the Secretary's decision on whether a natural disaster has occurred is based on adverse and unusual weather conditions or natural phenomena that result in production losses of either (1) at least 30 percent of the normal year's dollar value of all crops countywide; (2) at least 30 percent of the normal year's

dollar value of a single farming enterprise, countywide; or (3) significant production losses, or other extenuating circumstances, taking into consideration the nature and extent of production losses, the number of farmers with qualifying losses, whether such farmers can expect financial aid from other lenders, whether there will be undue hardship for a limited segment of farmers in the county, or due to damages to particular crops, and whether other Federal or State benefit programs will lessen any undue hardship.

On January 10, 1983, the Comptroller General issued an opinion (B–197765) and discussed the statutory changes made by Public Law No. 95–334 and its legislative history. The Comptroller General concluded that the FmHA had not changed its EM procedure to comport with the statutory changes. By proposed rule, September 8, 1982, 47 FR 39532, FmHA proposed changes in its EM regulation. The final rule was published January 11, 1983, 48 FR 1176–81. This coincided with the release of the Comptroller General's opinion and was not discussed in it.

After reviewing the Comptroller General's opinion, FmHA determined that it would be in the public interest to further amend the regulation to clarify the method by which the Secretary determines that a natural disaster has occurred. The revisions maintain key elements of the previous rule; more clearly define what constitutes a natural disaster; provide a more rapid basis for dealing with certain physical property losses; and focus such decisionmaking as is necessary in two officials, the Secretary and the FmHA Administrator, on the basis that this will also expedite natural disaster determinations.

This regulation is published as an interim rule with request for comments. FmHA will consider comments received and will issue a final rule.

Pursuant to the rule making provisions in 5 U.S.C. 553, it is found upon good cause that notice and public procedure with respect to this interim action are impracticable, unnecessary and contrary to the public interest; and good cause is found for making this interim action effective less than 30 days after publication of this document in the **Federal Register**, and to have the changes take immediate effect to avoid the application of different rules to disasters on which no decisions have yet been made. However, it has been determined to be in the public interest to receive comments for 30 days after publication of this action.

The changes include an accelerated method for making the natural disaster determination where substantial physical property losses are involved and also modify the current delegation of authority to the Administrator of FmHA to make certain determinations.

For the above reasons, FmHA has determined this action to be an emergency.

The Catalog of Federal Domestic Assistance number for emergency loans is 10.404.

This action does not directly affect any FmHA programs or projects that are subject to A–95 clearinghouse review.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statement". It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Need for Governmental Action

FmHA has determined that the methods of making natural disaster decisions should be revised to more clearly conform with statutory language. Clarification is provided through restated criteria as to what constitutes a natural disaster and how the determination is made.

Major Alternative Actions Considered Are as Follows

Alternative No. 1. Continue with present practice of designating counties as disaster areas as the trigger to the availability of EM loans. This alternative is subject to the criticism that requests for designations by the Secretary and authorizations by FmHA do not completely comport with the changes made by the Agricultural Credit Adjustment Act of 1978 (Pub. L. 95–334) which removed a mandatory requirement that an area designation process be used to determine where EM loans should be made available.

Alternative No. 2. Amend the regulation to more closely track the statutory language that EM loans are to be made to farmers who are substantially affected by a natural disaster. This alternative includes expanding and clarifying the criteria to be used by the Secretary in defining a natural disaster. The administrator's role in this process will be to make EM physical property loans available more quickly to farmers suffering severe physical property losses caused by unusual and adverse weather conditions. EM loans will also be made available to farmers who have been substantially affected by a natural disaster where the Secretary of Agriculture determines that the unusual and adverse weather conditions have resulted in severe, specified production losses. The Secretary will make such determinations of severe, specified production losses only after receiving a request of a Governor or Indian Tribal Council.

The Agency selects Alternative No. 2.

The following Sections of Part 1945, Subpart A, are amended as follows:

1. Section 1945.2 is revised to clarify the purpose of this Subpart.

2. Section 1945.6 is revised to define an applicant, a potential disaster, normal year's dollar value, and to redefine the types of disasters. The definition of a natural disaster provides the criteria by which the Secretary determines whether a natural disaster has occurred within a county. A natural disaster is defined as unusual and adverse weather conditions or other natural phenomena that have substantially affected farmers by causing severe physical property or severe production losses within a county.

3. Section 1945.6(c)(3)(ii) is added to describe how the FmHA Administrator will determine whether unusual and adverse weather conditions have caused such severe physical property losses so as to constitute a natural disaster.

4. Section 1945.6(c)(3)(iii) is added to describe how the Secretary of Agriculture will determine whether the unusual and adverse weather conditions have caused such severe production losses as to constitute a natural disaster. A natural disaster will be determined to have occurred when there has been at least a 30 percent reduction of the normal year's dollar value of all crops countywide, or a 30 percent reduction of the normal year's dollar value of crops which constitute a single enterprise countywide, or when in the Secretary' descretion farmers have suffered severe production losses based on consideration of a number of factors involving the nature and extent of losses, hardship, and unusual and extenuating circumstances. A determination by the Secretary under these provisions that a natural disaster has occurred will also make loans available for severe physical property losses if there are farmers with qualifying losses which have not been acted on pursuant to a decision by the Administrator.

5. Section 1945.6(f) has been redesignated to paragraph (h) and revised to establish criteria for determining whether an applicant has

been substantially affected by a disaster, as defined in this section.

6. Section 1945.18 introductory paragraph has been revised to remove the reference to "natural" disasters and, instead, make reference to "potential" disasters.

7. Section 1945.19 is revised to delete references to "natural" disasters. This section is retitled "Reporting potential disasters and initial actions." Also, the word "natural" appearing before "disaster" in paragraph (c) is replaced with the word "potential."

8. Section 1945.19(c) (1) through (8) are revised. Paragraph (1) is revised to show that a State Director will report physical losses caused by a potential disaster to the FmHA Administrator who will, upon receipt of such report, make a determination that a natural disaster has occurred and make EM physical loss loans immediately available to assist one or more farmers suffering qualifying physical losses.

9. Section 1945.19(c) (6) through (8) are revised to further clarify the actions to be taken in connection with inquiries at the county, State and National Offices concerning the availability of EM loans, and application procedures.

10. In § 1945.20, the introductory paragraph is revised for clarification and refers to when EM physical loss loans are made available by the Administrator. Paragraphs (a) and (b) of this section are revised to make editorial changes and to refer in paragraph (b) to "potential" disasters, in lieu of "natural" disasters, as reported, and to set forth the criteria used by the Secretary in determining whether a natural disaster has occurred.

11. In § 1945.20, paragraphs (c) through (h) are revised and redesignated to paragraphs (c) through (f). Accordingly, paragraph (c) states the Administrator's responsibility for making EM loans available to one or more eligible farmers based on severe physical losses resulting from unusual and adverse weather conditions; paragraph (d) shows the relationship between Administrator's notification and Secretary's determination; paragraph (e) provides for the extension of termination dates for continuing disaster conditions; and paragraph (f) states the time limitations involved in all such actions.

12. Section 1945.21 is retitled "Reporting and coordination requirements" and paragraph (a), (b), and (c) are revised to remove references to "declaration/designation/authorization" and to make certain other editorial changes.

13. Section 1945.25(b)(2) is revised to insert "unusual and adverse weather condition or natural phenomenon" in lieu of the words "natural disaster".

14. Section 1945.30(b)(1) is revised to make an editorial change.

List of Subjects in 7 CFR Part 1945

Agriculture, Disaster assistance, Intergovernmental relations.

PART 1945—EMERGENCY

Accordingly, Part 1945, Subpart A of Chapter XVIII, Title 7, Code of Federal Regulations, is amended as follows:

Subpart A—Disaster Assistance—General

(Applies to all disasters which may be considered under the time periods specified herein and for which an affirmative or negative natural disaster determination has not previously been made; provided that no consideration will be given to any potential disaster occurring prior to January 1, 1982)

1. Section 1945.2 is revised to read as follows:

§ 1945.2 Purpose.

This Subpart explains the types of disasters which will result in eligibility of a farmer for Farmers Home Administration (FmHA) emergency (EM) loans, and, with respect to natural disasters which are the responsibility of the Secretary of Agriculture, the factors used in making a natural disaster determination; the relationship between FmHA and the Federal Emergency Management Agency (FEMA); the method for establishing and using Emergency Loan Support Teams (ELST); and Emergency Loan Assessment Teams (ELAT); the training of FmHA personnel; and disaster related public information functions. The natural disaster determinations/notifications made under this Subpart do not apply to any program other than the FmHA EM loan program. FmHA's policy is to make EM loans to any otherwise qualified applicant without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap (provided the applicant can execute a legal contract).

2. Section 1945.6 is revised to read as follows:

§ 1945.6 Definitions.

(a) *Applicant.* The person or entity carrying on the farming operation at the time of the disaster and requesting EM loan assistance from FmHA.

(b) *County.* A local administrative subdivision of a State or a similar political subdivision of the United States.

(c) *Disasters.* EM loans will be made available to any farmer whose operation has been substantially affected by a natural disaster, as determined by the Secretary of Agriculture or the FmHA Administrator, or by a major disaster or emergency declared by the President, and who meets the requirements of Subpart D of this Part.

(1) *Major disaster.* Any disaster in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant unusual assistance above and beyond normal emergency services available from State and Federal Governments. Major disaster assistance makes all Federal disaster programs available automatically, and is intended to supplement the efforts and available resources to States, local governments and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused by disasters.

(2) *Presidential emergency.* Any disaster in any part of the United States which is of such magnitude that the President makes a declaration requiring certain Federal emergency programs to be implemented as a supplement to State and local efforts as a means of saving lives and protecting property, preserving public health and safety, and/or lessening the threat or a more servere disaster.

(3) *Natural disaster.* A disaster in any part of the United States in which unusual and adverse weather conditions or other natural phenomena have caused severe physical property losses and/or severe production losses within a county. Except where otherwise specified, the use of the term "county" or "similar political subdivision" is for administrative purposes only.

(i) Unusual and adverse weather conditions or natural phenomena include such things as:

(A) A major single natural occurrence or event such as a blizzard, cyclone, earthquake, hurricane or tornado.

(B) A single storm, or series of storms, accompanied by serere hail, excessive rain, heavy snow, ice and/or high wind.

(C) An electrical storm.

(D) A severe weather pattern over a period of time which, due to excessive rainfall, unusual lack of rainfall, or high or low temperatures, causes flooding, substantial water damage, drought or freezing; which results in the spreading and flourishing of insects or pests, or in plant or animal diseases spreading into epidemic proportions; or prevents the control of fire, however caused.

(ii) Severe *physical* property losses are those which the Administrator determines prior to a natural disaster determination by the Secretary, to be severe, and to have caused extensive damage to or destruction of, physical farm property including farmland (except sheet erosion); structures on the land such as buildings, fences, dams,

etc.; machinery, equipment, and tools; livestock; livestock products; poultry; poultry products; growing crops (see § 1945.163(b)(12) of Subpart D or Part 1945 of this Chapter); harvested crops, and supplies, which, if not repaired or replaced, would make it impossible for farmers affected by unusual and adverse weather conditions to continue operating their farms on a sound basis.

(iii) Severe *production* losses within a county are either those in which:

(A) The Secretary determines that there has been a reduction countywide of at least 30 percent of the normal year's dollar value of all crops, including hay and pasture, and the crops could not be replanted or replaced with a substitute crop; or

(B) The Secretary determined that there has been a 30 percent loss countywide in the normal year's dollar value of a single enterprise (as defined in § 1945.154(a)(15)(i) of Subpart D of Part 1945 of this Chapter); or

(C) The Secretary, exercising discretion, may determine that, although the conditions set forth in subsections (A) and (B) above have not been met, the unusual and adverse weather conditions or natural phenomena have resulted in such significant production losses, or have produced such extenuating circumstances as to warrant a finding that a natural disaster has occurred. In making this determination, the Secretary may request the Administrator to provide for his consideration such factors as: (1) The nature and extent of production losses; (2) the number of farmers who sustained qualifying production losses; (3) the number of farmers in (2) that other lenders in the county indicate they will not be in position to finance; (4) whether the losses will cause undue hardship to a certain segment of farmers in the county; (5) whether damage to particular crops has resulted in undue hardship; (6) whether other Federal and/or State benefit programs which are being made available due to the same disaster will consequently lessen undue hardship and the demand for EM loans; and (7) any other factors considered relevant. The Secretary will consider the information referred to in § 1945.6(h) of this Subpart in deciding whether a natural disaster has occurred.

(4) *Potential disaster.* Unusual and adverse weather conditions or natural phenomenon that have caused physical and/or production losses but which have not yet been examined by the Secretary or Administrator for consideration of a natural disaster determination.

(d) *Farmers.* Individuals, cooperatives, corporations or partnerships who are farmers, ranchers or aquaculture operators.

(e) *Incidence period.* The specific date or dates during which a disaster occurred.

(f) *National Office.* The Director, Emergency Division.

(g) *Normal year's dollar value.* The normal year's dollar value will be determined by establishing a normal year yield and price. Normal year yield will be the average yield of the 5 years immediately preceding the disaster year for each cash crop, including hay and pasture grown in the county. The price will be the average commodity prices for the 36 months immediately preceding the disaster year for each crop. Yields and prices used to establish the value of normal year production will be obtained from the Statistical Reporting Service (SRS). In cases where crops produced and/or prices are not available from SRS, the information will be obtained from other reliable sources. Yields used to establish the disaster year's production will be obtained from Damage Assessment Reports (DAR) which are prepared by the USDA County and State Emergency Boards. Prices used to establish the value of disaster year production will be the same as used to establish normal year values.

(h) *Substantially affected.* A farmer applicant has been substantially affected when there has been a disaster as defined in subsection (c) of this section, and the applicant has qualifying physical and/or production losses, as defined in § 1945.154 (a) (29) and (30) of Subpart D of Part 1945 of this Chapter.

(i) *Termination date.* The date specified in a disaster declaration/determination/notification which establishes the final date after which EM loan applications can no longer be accepted. For both physical and production losses, the termination date will be 6 months from the date of the disaster declaration/determination/notification.

(j) *United States or State.* Each of the several States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

3. Section 1945.18 is amended by revising the introductory paragraph to read as follows:

§ 1945.18 United States Department of Agriculture (USDA) Emergency Boards.

There is a USDA Emergency Board established by the Secretary to serve every State and every county in the United States. The Boards are responsible for reporting the occurrence of and assessing the damage caused by potential disasters as required to ensure that the Department's disaster programs are implemented where needed; to coordinate the Department's emergency disaster programs with those of other Federal Departments and Agencies; and to provide personnel, as needed and requested by FEMA, to help staff disaster assistance centers in major disaster areas.

* * * * *

4. Section 1945.19 and the title are revised to read as follows:

§ 1945.19 Reporting potential disasters and initial actions.

(a) *Purpose.* The purpose of reporting potential disasters is to provide a systematic procedure for rapid reporting of the occurrence and extent of damage and loss caused by such event, which may result in a natural disaster determination.

(b) *Responsibility for assessing and reporting disasters.* USDA SEBs and CEBs representing their member agencies are best qualified at the State and County levels to accomplish the assessment of agricultural production losses resulting from a potential disaster. These Boards are charged with the responsibility of reporting the occurrence of and assessing the damage caused by disasters and will perform this responsibility under policies and procedures as set forth in the EOH.

(c) *Actions to be taken.* Immediately after the occurrence of a potential disaster:

(1) The FmHA County Supervisor will report to the State Director who will report to the Administrator that there has been a potential disaster with severe physical property losses to one or more farmers. *This report must be made to the Administrator within 3 months after the disaster(s) occurs. Upon receiving the report, the Administrator will make EM loans available to any individual with a qualifying physical loss. This approval shall be limited to physical losses only.* Notices that EM loans are available will identify the county in which the unusual and adverse weather condition, or natural phenomenon, has occurred.

(2) The FmHA County Supervisor will report to the CEB chairperson, as specified in the EOH, all substantial physical property loss, damage or injury and severe production losses that have occurred in the County Office area. The County Supervisor will assist the CEB in preparing the 24 hour report required in paragraph (c)(3) of this section. If the CEB has not completed its 24 hour report within two workdays after a potential

disaster, the County Supervisor will report to the State Director on Form FmHA 1945–27, "Report of Natural Disaster." In urgent situations, the report may be made by telephone, followed by the CEB report or Form FmHA 1945–27. Either of these reports will be based on information obtained from personal knowledge and from farmers, agricultural and community leaders, and from any other personally contacted reliable source(s). The County Supervisor will convey to the CEB chairperson all information pertaining to the potential disaster and provide the chairperson with a copy of Form FmHA 1945–27, if prepared.

(3) The CEB will report the potential disaster, in accordance with the EOH, to:

(i) The SEB; and

(ii) Appropriate county government representative(s).

(4) The SEB will provide copies of the CEB report to:

(i) The USDA Washington Offices of ASCS, FmHA and the Office of Intergovernmental Affairs; and

(ii) The State Governor's Emergency Coordinator and the State Department of Agriculture.

(5) The FmHA State Director will inform the National Office of each potential disaster as soon as possible and forward to the National Office a copy of the CEB report or Form FmHA 1945–27, with any attachments, and supplemented with the State Director's comments and recommendations. The State Director must include a statement as to the number of farmers, ranchers, and aquaculture operators affected by the potential disaster. In urgent situations, the State Director will report to the National Office, Emergency Division, by telephone, and immediately thereafter send a written report to the National Office, Emergency Division. The State Director will continue to notify the SEB chairperson of any additional information received concerning the potential disaster.

(6) When inquiries are received from persons affected by a potential disaster, they will be provided the following information:

(i) By the County Offices:

(A) The kind of assistance that will be available if the President declares a major disaster of emergency, or if the Secretary determines that a natural disaster has occurred.

(B) Whether or not physical property loss EM loans are available.

(C) That applications for EM loans may be filed for future processing if such loans are made available, or may be filed at a later date after the necessary determinations have been made.

(D) Whether regular FmHA farm loan assistance is available.

(ii) State Offices, or the National Office, will furnish the same information as the County Office, or will refer the person to the appropriate County Office.

(7) When inquiries are received from a Governor, a County Governing Body or Indian Tribal Council concerning a disaster, they will be informed of the procedure for making EM loans available.

(8) The actions required in paragraph (b) of this section will be taken even if the Governor of a State has requested the President to declare a county(ies) a major disaster or Presidential emergency area.

5. Section 1945.20 is amended by revising the introductory paragraph and paragraphs (a)(1)(i), (a)(3), (a)(3)(iii), and (b), (c), (d), (e), (f), and removing paragraphs (g) and (h) to read as follows:

§ 1945.20 Making EM loans available.

EM loans will be made available to applicants having qualifying severe physical and/or production losses within a county named by FEMA as eligible for Federal assistance under a major disaster or emergency declaration by the President or under a natural disaster determination by the Secretary of Agriculture pursuant to § 1945.6 (c)(3)(iii) of this Subpart, and to applicants having qualifying severe physical property losses when, prior to action by the President or the Secretary, the FmHA Administrator has determined (pursuant to § 1945.6(c)(3)(ii) of this Subpart) that such losses have occurred as a result of a natural disaster. Any determination made by the Secretary or the Administrator pursuant to this regulation may be revised or reversed upon the receipt of new facts which establish that a change is warranted. FmHA's policy is to make loans to any otherwise qualified applicant.

(a) * * *

(1) * * *

(i) Notify the State Director and the Director of the Finance Office by telephone and confirm by electronic message. The notification will contain:

* * * * *

(3) The County Supervisor will immediately upon receiving notification that the county(ies) has been declared a disaster area:

* * * * *

(iii) Arrange and conduct meetings with local agricultural lenders and agricultural leaders within 10 working days after the disaster declaration date to explain the purpose and the assistance available under the EM loan program; and

* * * * *

(b) *Determination by the Secretary of Agriculture.* When a potential disaster has substantially affected farmers, causing qualifying severe losses, and it is requested by a Governor or Indian Tribal Council that there be a determination that a natural disaster has occurred, *the Secretary will acknowledge the request in writing and consider whether a determination should be made if the Secretary receives such request in writing within three months of the last day of the occurrence of such potential disaster.* The Governor or Indian Tribal Council should send a copy of the request to the FmHA State Director. When the Secretary finds based on the material received pursuant to this Subpart that the conditions of § 1945.6(c)(3)(iii) (A) or (B) of this Subpart have been met, it shall be announced that a natural disaster has occurred. Also, if on finding that the conditions of § 1945.6(c)(3)(iii)(C) of this Subpart so warrant, the Secretary may determine that a natural disaster has occurred.

(1) Upon receipt of the Governor's request through the Secretary's Office, the FmHA National Office will immediately take the following actions:

(i) Notify the State Director by telephone of the Governor's request.

(ii) Obtain an immediate report from the State Director on whether there have been severe physical property losses within any county.

(iii) Obtain a report from the State Director on production losses.

(2) The State Director will immediately:

(i) Notify the SEB chairperson that a Damage Assessment Report (DAR) is needed in accordance with the EOH for the requested county(ies); and

(ii) Advise the National Office on whether qualifying physical property losses have occurred.

(iii) Review each DAR, as soon as it is available, and forward it to the National Office with written comments on the extent of probable qualifying production losses, and other factors which are recommended for consideration by the Secretary in making determinations under § 1945.6(c)(3) of this Subpart. He should also furnish any additional supportive information not contained in the DAR.

(iv) Upon receipt of the Administrator's request for a survey, in connection with a request by the Secretary for information concerning § 1945.6(c)(iii)(C), will expeditiously

gather and compile the information requested and submit it to the Administrator with a recommendation. The survey will be conducted in a manner jointly agreed upon by the Administrator and the State Director.

(3) The National Office will then immediately use the State Director's report to analyze and verify losses reported in the DAR along with the State Director's comments and promptly forward a written report to the Secretary along with supporting information for his use in making a decision on the requested determination.

(4) The Secretary will:

(i) Review the results of the survey and determine whether a natural disaster has occurred. When the Secretary determines that a natural disaster has occurred, the Administrator will be directed to make EM loans available in the county(ies) named by the Secretary. The Administrator will advise the State Director by electronic message of the Secretary's decision. Such notice will not be given until the Secretary responds to a request from a Governor or Indian Tribal Council for a determination concerning the same or similar disaster.

(ii) When the Secretary finds that a natural disaster has occurred, the Governor or Indian Tribal Council and other concerned officials will be notified, and the following actions will be taken:

(A) The National Office will immediately pursue the same course of action as described in paragraph (a)(1) of this section, except the disaster determination number will be coded S and 3 numbers (Example S141).

(B) The State Director will immediately pursue the same course of action as described in paragraph (a)(2) of this section.

(C) The County Supervisor will immediately pursue the same course of action as described in paragraph (a)(3) of this section.

(iii) When the Secretary determines that the conditions in § 1945.6(c)(3)(iii) (A) or (B) of this Subpart have *not* been met, and decides to consider other factors in accordance with § 1945.6 (c)(3)(iii)(C) of this Subpart, the Secretary will request the Administrator to provide additional information for consideration. The Administrator, upon receipt of such a request from the Secretary, will ask the State Director to survey farmers and lending institutions in the county. The survey will focus on such factors as:

(A) The nature and extent of production losses.

(B) The number of farmers who have sustained qualifying production losses;

(C) The number of farmers in (B) that other lenders in the county indicate they will not be in position to finance;

(D) Whether the losses will cause undue hardship to a certain segment of farmers in the county;

(E) Whether damage to particular crops has resulted in undue hardship;

(F) Whether other Federal and/or State benefit programs which are being made available due to the same disaster will consequently lessen undue hardship and the demand for EM loans; and

(G) Any other factors considered relevant.

(iv) If the Secretary finds that the conditions of § 1945.6(c)(3)(iii) (A) or (B) of this Subpart have *not* been met, and decides that the conditions do not warrant a natural disaster finding under subsection (c)(3)(iii)(C) of this Subpart, the Governor or Indian Tribal Council and other concerned officials will be notified of this and the reasons for the Secretary's conclusions.

(c) *Notification by the FmHA Administrator.* When the Administrator determines that an unusual and adverse weather condition or natural phenomenon has substantially affected farmers, causing qualifying severe *physical losses,* the Administrator will make EM physical loss loans available in the county(ies) identified and notify the State Director by electronic message.

(1) The Administrator, upon notifying the State Director that EM physical loss loans are to be made available, will issue the following:

(i) The Administrator's notification number (Example: N181);

(ii) The incidence period for the natural disaster; and

(iii) The termination date for accepting applications.

(2) The State Director upon receiving written notification by electronic message from the Administrator will notify:

(i) Appropriate County Supervisor(s) to commence processing EM loan applications in appropriate county(ies);

(ii) The SEB chairperson; and

(iii) The new media with appropriate announcements.

(3) The Administrator will notify the Office of the Secretary of Agriculture of any action taken concerning *physical* property losses. The National Office will also provide the same information to the appropriate Governor or Indian Tribal Council, and to other concerned officials at their request.

(4) Upon notification from the State Director that EM loans are available in a county, the County Supervisor will pursue the course of action described in § 1945.20(a)(3) of this Subpart.

(d) *Relationship between Administrator's notification and Secretary's determination.* If both Administrator and the Secretary make natural disaster conclusions affecting the same county:

(1) When the Administrator has made physical loss loans available pursuant to § 1945.6 (c)(3)(ii), and the Secretary later makes production loss loans available pursuant to § 1945.6 (c)(3)(iii) on the basis of the same unusual and adverse weather condition or natural phenomenon, such physical and production losses will be considered to be caused by a single natural disaster. Any physical loss loans made pursuant to the Administrator's earlier notification will be included in the amount available to an applicant as prescribed in § 1945.163(d) of Subpart D of Part 1945 of this Chapter.

(2) When a series of unusual and adverse weather conditions or natural phenomena occur in a county within the same crop year, and it is not possible for the Secretary to assess the damages in order to determine whether the conditions in § 1945.6 (c)(3)(iii) have been met until the end of such series or the crop year, a determination that a natural disaster has occurred shall be treated for both physical property and production losses to be due to a single natural disaster. Any physical loss loans made pursuant to the Administrator's earlier notification will be included in the amount available to an applicant as prescribed in § 1945.163(d) of Subpart D of Part 1945 of this Chapter.

(e) *Extension of termination dates for continuing disaster conditions.* When a natural disaster continues beyond the date on which an Administrator's notification or Secretary's determination is made, and when there are continuing losses or damages caused by that disaster, the Administrator will extend the incidence period and the termination date for such specified period as the Administrator finds appropriate, but not in excess of 60 days. The following actions will be taken to obtain an extension:

(1) The County Supervisor will advise the State Director of the conditions for which an extension is requested.

(2) The State Director will make a recommendation to the Administrator on whether an extension should be granted; and

(3) The Administrator will, if the request is granted:

(i) Amend the initial notification/determination (using the same number) by establishing a new incidence period and termination date; and

(ii) Notify the State Director by electronic message.

(f) *Limitations.* When actions are authorized by the Secretary or the Administrator under paragraphs (b) or (c) of this section, such actions will ordinarily be completed within six months after the beginning date of the incidence period of a reported disaster, except when the actions required in paragraph (b)(2) cause a delay beyond the six months period, in which event the actions must be completed within nine months of the beginning date of the incidence period. The Secretary may extend this limitation up to twelve months from the beginning date of the incidence period if there were other exceptional causes for the delay.

6. Section 1945.21 is amended by revising the title and paragraphs (a), (a)(1), (a)(2)(i), (a)(2)(ii), (b)(1)(i), (b)(1)(ii), (b)(2), and (c)(1) to read as follows:

§ 1945.21 Reporting and coordination requirements.

(a) *By the National Office.* The Administrator or a designee will:

(1) Submit weekly reports to the following, informing them of the past week's disaster actions taken by FmHA. If no actions are taken in any particular week, negative reports will be made:

* * * * *

(2) * * *

(i) The date of the declaration/determination/notification;

(ii) The name(s) of any county(ies) in which EM loans are available;

* * * * *

(b) * * *

(1) * * *

(i) Name(s) of any county(ies) in which EM loans are available;

(ii) Date of the declaration/determination/notification;

* * * * *

(2) Notify the States ASCS Executive Director of the authority to make EM loans and promptly have a meeting to review and implement the provisions of the Memorandum of Understanding between ASCS and FmHA on Disaster Assistance, Exhibit C of Subpart D of Part 1945 of this Chapter, to arrive at a mutual understanding as to how ASCS disaster program benefits are to be handled in conjunction with the processing of FmHA EM actual loss loans so that duplication of benefits for the same losses are not received by disaster victims;

* * * * *

(c) * * *

(1) Notify the County ASCS Executive Director of the declaration/determination/notification and have a meeting to review and implement the provisions of the Memorandum of Understanding between ASCS and FmHA on Disaster Assistance, Exhibit C of Subpart D of Part 1945 of this Chapter, to arrive at a mutual understanding as to how ASCS disaster program benefits and other information in ASCS's records will be made available and used in processing EM actual loss loans. Also the County Supervisor will request that information regarding the availability of EM loans be placed in the ASCS's news letter;

* * * * *

7. Section 1945.25 is amended by revising paragraph (b)(2) to read as follows:

§ 1945.25 Relationship between FmHA and FEMA.

* * * * *

(b) * * *

(2) If the FEMA makes a request for information from FmHA on losses and damages caused by an unusual and adverse weather condition or natural phenomenon, the FEMA representative will be advised to contact the SEB Chairperson. The EOH provides that the SEB will request the CEB to prepare the DAR. State Directors and County Supervisors should cooperate with SEB and CEB Chairpersons in preparing the DARs.

* * * * *

§ 1945.30 [Amended]

8. In § 1945.30, paragraph (b)(1) is amended by removing the word "available" and ending the first sentence after the word "loans".

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: March 24, 1983.

Frank W. Naylor, Jr.,

Under Secretary for Small Community and Rural Development.

[FR Doc. 83-9658 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-07-M

Food Safety and Inspection Service

9 CFR Parts 327 and 381

[Docket No. 82-009F]

Importation of Meat and Poultry Products; Final Provisions

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: On August 19, 1982, the Food Safety and Inspection Service (FSIS) published an immediately effective emergency interim rule to decrease the likelihood that adulterated or misbranded meat and poultry products will enter into United States' commerce. The interim final concerned, among other things, stricter controls on the movement and sale of "refused entry" product and the marking of imported product by inspectors. FSIS's action was prompted by information received from the Department of Agriculture's Office of the Inspector General revealing that product that had been "refused entry" at United States' ports because it was adulterated or misbranded, in some cases, entered into United States' domestic commerce for human food purposes. FSIS solicited comments on the interim rule and has considered all comments received. FSIS has determined that the interim rule, with minor modifications, shall be made a final rule.

EFFECTIVE DATE: May 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Grace Clark, Director, Foreign Programs Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7610.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made a determination that this final rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This final rule will produce some additional handling, storage, interest, and possible inspection costs through the elimination of stamping the product as "inspected and passed" prior to actual inspection (prestamping). It is estimated that eliminating prestamping will result in approximately a $29 million annual cost for industry. However, it is anticipated that these costs will decrease as new technological, operational, and management procedures are developed by industry and the Government to expedite the handling and inspection of imported meat. It is anticipated that these costs will not result in any significant increase in the price of meat or poultry to consumers. The additional safeguards for public health and against economic fraud should directly benefit consumers and improve the

marketability of imported product, offsetting much of the estimated costs.

Effect on Small Entities

The Administrator, FSIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). The portion of the estimated costs of the rule applicable to small entities would be largely offset by improved marketability of the product and is outweighed by the legal necessity to protect consumers from adulterated or misbranded imported product. Any burden or costs to salvage operators due to the limits placed on transfer of title of refused entry product should be ameliorated by the fact that such persons can perform the same service as agents of the affected owner or consignee.

Background

On August 19, 1982, FSIS published in the **Federal Register** (47 FR 36109) an interim rule, effective immediately, establishing new procedures for handling imported product to decrease the likelihood that "refused entry" meat and poultry product will enter into United States' commerce. FSIS had received information from the Department of Agriculture's Office of the Inspector General revealing that some product that has been "refused entry" at United States' ports because it was adulterated on misbranded, had entered into United States' domestic commerce for human food purposes. This information demonstrated the need for stricter controls over "refused entry" product and raised serious concerns about the adequacy of the measures to control "refused entry" product in the United States at that time.

Among the actions taken in the interim rule were prohibitions on:

(1) The application of the "U.S. Inspected and Passed" markings on meat and poultry products prior to final import inspection (prestamping);

(2) The subdivision of lots of "refused entry" products into smaller lots for separate disposition;

(3) The movement of "refused entry" product between ports without the provision of specific data to program officers;

(4) The movement of any "refused entry product" within the United States except under seal; and

(5) The sale of "refused entry" product, except to a foreign consignee for direct and immediate exportation.

The interim rule also increased the time limit that owners or consignees have to dispose of "refused entry" product from 30 days to 45 days, while restricting the circumstances for which extension of time can be granted.

Comments on Interim Rule

FSIS received 13 comments in response to the interim rule—6 from industry associations, 4 from importers/exporters, 1 from a farm organization, 1 from a farmer, and 1 from an insurance company. Three commenters fully supported the interim rule and one commenter expressed general opposition to the importation of meats. The following is a discussion of the issues raised by the commenters and FSIS' response to each:

1. *Prohibition of the sale of "refused entry" product except to foreign consignees.*

Comment: Seven commenters voiced their opposition to the requirement prohibiting the transfer of legal titles of "refused entry" products. The bases for such opposition included:

(1) Some segments of industry handling "refused entry" products may be forced out of business;

(2) Complications would develop concerning insurance coverage of "refused entry" product;

(3) Importers are not versed in export markets;

(4) A monopoly would be created and inhibit competitive bidding; and

(5) FSIS should be concerned with the actual movement of product rather than the concept of legal title.

Response: The Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) place the burden of destroying or exporting "refused entry" product on the consignee. Those statutes prohibit generally the sale of adulterated, misbranded, or uninspected products in commerce. This prohibition does not apply to "refused entry" products that are destroyed for human use or sold directly to a foreign consignee. The transfer of legal title of "refused entry" products within the United States other than in this manner constitutes the sale of adulterated or misbranded products in violation of those provisions. Sale of "refused entry" products in the United States has in numerous instances in the past impaired FSIS's ability to control these products and to assure that they are not used for human food purposes in the United States. Therefore, FSIS concludes that prohibition of the transfer of legal title of "refused entry" product, as provided for in the interim rule, should be retained in the final rule. This will not preclude other persons or firms from representing the owner or consignee as agents in exporting "refused entry" products. Firms presently handling "refused entry" product for exporters should be able to continue to do so without having legal title to the product. Similarly, insurers need not take title to "refused entry" meat or poultry product to ascertain the net loss due to such product being refused entry.

2. *The 45-day limitation for disposition of U.S. "refused entry" products.*

Comment: Two commenters stated that 45 days are not adequate for disposing of "refused entry" product and recommended that FSIS allow up to at least 60 days.

Response: FSIS believes that 45 days is a sufficient time period. Since the August 19, 1982, publication of the interim rule establishing the 45-day limitation, FSIS has received no persuasive justification for granting extensions beyond the 45 days. FSIS has determined, therefore, that it will retain the 45-day limitation. The Administrator, FSIS, will grant extensions only when extreme circumstances warrant it; *e.g.*, a dock workers' strike or an unforeseeable vessel delay.

3. *Prohibition of subdivision of U.S. "refused entry" products.*

Comment: Two commenters opposed the prohibition of subdividing the "refused entry" product for export. One of the commenters contended that such prohibition prior to export is unreasonable since the foreign markets for such product are often small ones. The other commenter believed that the prohibition would not allow unsound product to be removed from the "refused entry" lot and destroyed prior to exporting the remaining lot.

Response: In order to maintain adequate control over the disposition of a complete lot, FSIS cannot allow the subdivision of products for separate disposition. In the past, lots could be subdivided at separate times to various consignees and FSIS was unable to identify whether the entire "refused entry" lot had been shipped outside the United States or otherwise properly disposed of. Nonetheless, FSIS believes that damaged or otherwise unsound product may and should be removed from the "refused entry" lot and destroyed prior to exportation. Therefore, FSIS has clarified this final rule to permit removal of unsound product from the "refused entry" lot for destruction prior to exportation.

4. *Prestamping prohibition.*

Comment: One commenter stated that the prohibition of prestamping imported meat and poultry prior to actual

inspection causes needless delays and expenses.

Response: FSIS had in the past permitted, under certain circumstances, the "U.S. Inspected and Passed" shield to be placed upon imported product prior to its receiving full inspection. The shield had to be obliterated if the product did not ultimately pass inspection. This practice, however, reduced FSIS's ability to control product and offered additional opportunity for product that was found to be adulterated or misbranded to enter into United States' commerce. Therefore, the practice of prestamping imported product was discontinued on March 29, 1982, through MPI Bulletin 82-12.[1]

As discussed previously, FSIS is aware of the additional costs to industry resulting from prohibiting the prestamping of product. However, as also previously discussed, FSIS believes that new technological, operational, and management procedures can and are being developed to expedite the handling of imported product for inspection and reduce these costs.

Miscellaneous Amendments

The final rule does not amend the last sentence of § 327.10(c) of the Federal meat inspection regulations as contained in the interim rule. That section states that affected consignments will be identified as "U.S. Refused Entry." The last sentence currently provides that consignments may be marked as well if the area supervisor deems it appropriate. The interim rule revision unintentionally implied that marking of all refused entry consignments is required in addition to or instead of normal identification, which is usually by label or placard. After reconsideration, FSIS has determined the change to that paragraph is not warranted and has deleted it from the final regulation. Consignments of "refused entry" product will continue to be identified as they are now, and marking the individual product containers in each such consignment as "U.S. Refused Entry" will still be at the discretion of the area supervisor.

Minor revisions have also been made for clarity purposes in the amendments to §§ 327.13 and 381.202.

Final Rule

After careful consideration of the comments received on the interim rule, the Administrator has determined that the interim rule should be published as permanent regulations as set forth below.

List of Subjects

9 CFR Part 327

Meat inspection, Imported products.

9 CFR Part 381

Poultry products inspection, Imported products.

PART 327—[AMENDED]

1. The authority citation for Part 327 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

2. Section 327.10 of the Federal meat inspection regulations (CFR 327.10) is amended by adding a new sentence after the first sentence of paragraph (b) to read as follows:

§ 327.10 Samples; inspection of consignments; refusal of entry; marking.

* * * * *

(b) * * *. Such inspection legend shall be placed upon the containers only after completion of official import inspection and product acceptance. * * *

* * * * *

3. Section 327.13 of the Federal meat inspection regulations (9 CFR 327.13) is amended by revising paragraph (a) and the last sentence of paragraph (b) to read as follows:

§ 327.13 Foreign products offered for importation; reporting of findings to Customs; handling of articles refused entry.

(a)(1) Program inspectors shall report their findings as to any product which has been inspected in accordance with this Part, to the Director of Customs at the original port of entry where the same is offered for clearance through Customs inspection.

(2) When product has been identified as "U.S. refused entry, " the inspector shall request the Director of Customs to refuse admission to such product and to direct that it be exported by the owner or consignee within the time specified in this section, unless the owner or consignee, within the specified time, causes it to be destroyed by disposing of it under the supervision of a Program employee so that the product can no longer be used as human food, or by converting it to animal food uses, if permitted by the Food and Drug Administration. The owner or consignee of the refused entry product shall not transfer legal title to such product, except to a foreign consignee for direct and immediate exportation, or to an end user, e.g., an animal food manufacturer or a renderer, for destruction for human food purposes. "Refused entry" product must be delivered to and used by the manufacturer or renderer within the 45-day time limit. Even if such title is illegally transferred, the subsequent purchaser will still be required to export the product or have it destroyed as specified in the notice under paragraph (a)(5) of this section.

(3) No lot of product which has been refused entry may be subdivided during disposition pursuant to paragraph (a)(2) of this section, except that removal and destruction of any damaged or otherwise unsound product from a lot destined for reexportation is permitted under supervision of USDA prior to exportation. Additionally, such refused entry lot may not be shipped for export from any port other than that through which the product came into the United States, without the expressed consent of the Administrator based on full information concerning the product's disposition, including the name of the vessel and the date of export. For the purposes of this paragraph, the term "lot" shall refer to that product indentified on MP Form 410 in the original request for inspection for importation pursuant to § 327.5.

(4) Product which has been refused entry solely because of misbranding, in lieu of exportation or destruction pursuant to paragraph (a)(2) of this section, may be brought into compliance with the requirements of this Part, under supervision of an authorized representative of the Administrator.

(5) The owner or consignee shall have 45 days after notice is given by FSIS to the Director of Customs at the original port of entry to take the action required in paragraph (a)(2) of this section for "refused entry" product. Extension beyond the 45-day period may be granted by the Administrator when extreme circumstances warrant it; e.g., a dock workers' strike or an unforeseeable vessel delay.

(6) If the owner or consignee fails to take the required action within the time specified under paragraph (a)(5) of this section, the Department will take such action as may be necessary to effectuate its order to have the product destroyed for human food purposes. The Department shall seek court costs and fees, storage, and proper expense in the appropriate legal forum.

(b) * * *. All such product shall be returned in cars, trucks, or other means of conveyance, or in corded containers sealed with the official import meat seal of the Department.

* * * * *

[1] Copies of MPI Bulletin 82-12 are available from the Regulations Office, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

PART 381—[AMENDED]

4. The authority citation for Part 381 reads as follows:

Authority: Section 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 450); and subsection 21(b) of the Federal Water Pollution Control Act, as amended by Pub. L. 91–224 and by other laws (33 U.S.C. 1254).

5. Section 381.202 of the poultry products inspection regulations (9 CFR 381.202) is amended by revising paragraph (a) to read as follows:

§ 381.202 Poultry products offered for entry; reporting of findings to Customs; handling of articles refused entry.

(a)(1) Program inspectors shall report their findings as to any product which has been inspected in accordance with this Part, to the Director of Customs at the original port of entry.

(2) When product has been identified as "U.S. refused entry," the inspector shall request the Director of Customs to refuse admission to such product and to direct that it be exported by the owner or consignee within the time specified in this section, unless the owner or consignee, within the specified time, causes it to be destroyed by disposing of it under the supervision of a Program employee so that the product can no longer be used as human food, or by converting it to animal food uses, if permitted by the Food and Drug Administration. The owner or consignee of the refused entry product shall not transfer legal title to such product, except to a foreign consignee for direct and immediate exportation, or an end user, e.g., an animal food manufacturer or a renderer, for destruction for human food purposes. "Refused entry" product must be delivered to and used by the manufacturer or renderer within the 45-day time limit. Even if such title is illegally transferred, the subsequent purchaser will still be required to export the product or have it destroyed as specified in the notice under paragraph (a)(4) of this section.

(3) No lot of product which has been refused entry may be subdivided during disposition pursuant to paragraph (a)(2) of this section, except that removal and destruction of any damaged or otherwise unsound product from a lot destined for reexportation is permitted under supervision of USDA prior to exportation. Additionally, such refused entry lot may not be shipped for export from any port other than that through which the product came into the United States without the expressed consent of the Administrator, based on full information concerning the product's disposition, including the name of the vessel and the date of export. For the purposes of this paragraph, the term "lot" shall refer to that product identified on MP Form 410 in the original request for inspection for importation pursuant to § 381.198.

(4) The owner or consignee shall have 45 days after notice is given by FSIS to the Director of Customs at the original port of entry to take the action required in paragraph (a)(2) of this section for "refused entry" product. Extension beyond the 45-day period may be granted by the Administrator when extreme circumstances warrant it; e.g., a dock workers' strike or an unforeseeable vessel delay.

(5) If the owner or consignee fails to take the required action within the time specified under paragraph (a)(4) of this section, the Department will take such actions as may be necessary to effectuate its order to have the product destroyed for human food purposes. The Department shall seek court costs and fees, storage, and proper expenses in the appropriate forum.

* * * * *

6. Section 381.204 of the poultry products inspection regulations (9 CFR 381.204) is amended by adding a new sentence after the first sentence to read as follows:

§ 381.204 Marking of poultry products offered for entry.

* * *. Such inspection legend shall be placed upon such products only after completion of official import inspection and product acceptance. * * *.

Done at Washington, D.C., on: March 30, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-9705 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-DM-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 3

Introducing Brokers and Associated Persons of Introducing Brokers; Notice and Procedures for "No-Action" Position

AGENCY: Commodity Futures Trading Commission.

ACTION: Rule related notice; procedures for obtaining no-action position for introducing brokers and associated persons of introducing brokers.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is publishing a letter it has transmitted to all registered futures commission merchants ("FCMs"). In that letter, the Commission advised those FCMs that in light of recent amendments to the registration requirements administered by the Commission under the Commodity Exchange Act, each FCM and agent of an FCM must determine whether those agents are to continue in business as introducing brokers on and after the May 11, 1983 effective date of the statutory amendments. That letter establishes procedures by which such an agent may obtain a "no-action" position from the Commission until it is registered under the Act as an introducing broker and by which associated persons ("APs") of an FCM who are presently employed by an agent may "transfer" their registrations to the agent which is applying for registration as an introducing broker. The Commission is publishing that letter in the **Federal Register** to provide affected persons additional notice of those procedures and to advise other interested members of the public of the requirements being established by the Commission.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Rosenzweig, Assistant Chief Counsel, or Robert P. Shiner, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street N.W., Washington, D.C. 20581. Telephone: (202) 254–8955 or 254–9703, respectively.

SUPPLEMENTARY INFORMATION: The Futures Trading Act of 1982 has amended the Commodity Exchange Act to eliminate the formerly unregistered statutory category of "agents" of futures commission merchants and to require such an "agent" to register with the Commission either as an introducing broker or, in the case of an individual, as an AP of a futures commission merchant. The Futures Trading Act of 1982 also extends the requirements that govern the registration of associated persons so that individuals who were formerly associated with a futures commission merchant through an agent must now either become associated with an introducing broker or remain associated with the "sponsoring" futures commission merchant. *See* Futures Trading Act of 1982, Pub. L. No. 97–444, §§ 201, 207, 212, 96 Stat. 2297, 2302, 2303–04.

The Commission has recently proposed rules which, when adopted, would govern the registration of introducing brokers and their associated

persons. 48 FR 14933 (April 6, 1983). The Commission recognizes, however, that these individuals and firms will not be able to become registered pursuant to rules adopted by the Commission prior to the May 11, 1983 statutory deadline. The Commission has therefore sent the following letter to all registered futures commission merchants to advise those FCMs and their agents of procedures adopted by the Commission which, if complied with in every respect, will allow an agent and the APs employed by that agent to continue in business as an intoducing broker and as APs of an FCM or as APs of an introducing broker, respectively.

The procedures specified in the letter reprinted below will allow introducing brokers and their associated persons to continue in business until such time as the Commission adopts appropriate regulations and the applications for registration that would otherwise have to be filed pursuant to those regulations can be processed. The Commission therefore finds that notice and public comment on these procedures is impracticable. For the same reasons, the Commission finds that these procedures should be made effective immediately. Finally, to the extent that these procedures conflict with a statement of policy recently published by the Commission in the **Federal Register** (48 FR 11926 (March 11, 1983)), that policy statement is superseded by these procedures and should be given no further force or effect.

The text of the letter sent by the Commission to all registered futures commission merchants on April 7, 1983 is set forth below. Although the attachments to that letter are not being reprinted in this **Federal Register** notice, they are available to interested persons from the National Futures Association at the address set forth in that letter or from the Commission's Registration Unit at the address provided earlier in this notice.

List of Subjects in 17 CFR Part 3

Associated persons of introducing brokers, Introducing brokers.

Issued in Washington, D.C. on April 7, 1983, by the Commission.

Jean A. Webb,

Deputy Secretary of the Commission.

April 7, 1983.

Re: *Registration of Introducing Brokers and Associated Persons of Introducing Brokers*

Dear Futures Commission Merchant: As you may know, recently-enacted legislation will make certain significant changes in the registration requirements administered by the Commodity Futures Trading Commission ("Commission") under the Commodity Exchange Act ("Act"). Specifically, the Futures Trading Act of 1982[1] has amended the Act to eliminate the formerly unregistered category of "agents" of futures commission merchants ("FCMs") and to require those "agents" to be registered with the Commission either as an "introducing broker"[2] or as an associated person ("AP") of a futures commission merchant (in the case of an individual). The Futures Trading Act of 1982 also extends the requirements that govern the registration of associated persons so that individuals who were formerly associated with a futures commission merchant through an "agent" must now either become associated with an introducing broker or remain associated with the "sponsoring" futures commission merchant.[3]

These new registration requirements will become effective on May 11, 1983[4] and, absent appropriate relief, it would be unlawful for any person to engage in business either as an introducing broker[5] or as an AP of an introducing broker[6] unless that person was properly registered under the Act on and after that date. The Commission recognizes, however, that these individuals and firms will not be able to become registered pursuant to rules adopted by the Commission prior to that statutory deadline. The Commission is, therefore, making available procedures which will allow those persons who, on the date of this letter, are either listed with the Commission as an "agent" of an FCM or who are registered as an AP of an FCM to continue in business on and after May 11, 1983 even though they have not been registered under the Act as introducing brokers or as APs of introducing brokers.[7] An agent or AP of an FCM who intends to do business as an introducing broker or as an AP of an introducing broker *must* comply with the procedures specified in this letter if that person is to engage in business in either of these new capacities prior to the time the Commission makes effective appropriate regulations and the necessary applications for registration are processed and approved.

Specifically, the Commission will not take enforcement action against any introducing broker or associated person of an introducing broker based solely on the failure of such a person to be registered as such if the procedures specified below are complied with in every respect. The Commission wishes to emphasize, however, that registration as an introducing broker or as an AP of an introducing broker is *not* required for any individual who, while presently associated with an FCM through an agent, remains associated solely with a futures commission merchant as an associated person. Thus, in those cases where the "agent" of an FCM is an individual registered as an AP of an FCM, registration as an introducing broker will not be required if, on and after May 11, 1983, that individual remains associated with the same futures commission merchant as an AP. Similarly, because "agents" will cease to exist as a statutory registration classification on May 11, 1983, APs who were formerly associated with an FCM through an agent and who do not wish to become associated with the introducing broker can remain APs of the FCM.[8]

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[1] Pub. L. No. 97-444, 96 Stat. 2294 (January 11, 1983).

[2] The Futures Trading Act of 1982 defines the term "introducing broker" to mean: any person, except an individual who elects to be and is registered as an associated person of a futures commission merchant, engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.

Id., Section 201, 96 Stat. 2297.

[3] *Id.*, Section 212, 96 Stat. 2303-04. Furthermore, certain individuals associated with commodity trading advisors ("CTAs") and commodity pool operators ("CPOs") will be required to register as associated persons. A separate letter is being transmitted to all registered CTAs and CPOs to advise them of these latter requirements.

[4] *Id.*, Section 239, 96 Stat. 2327. On April 6, 1983, the Commission published proposed regulations in the *Federal Register* which would establish registration, minimum financial, recordkeeping, and other regulatory requirements for introducing brokers, their APs, and the APs of CTAs and CPOs. 48 Fed. Reg. 14933.

[5] *Id.*, Section 207, 96 Stat. 2302, *amending* Section 4d of the Commodity Exchange Act, 7 U.S.C. § 6d (1976 & Supp. V 1981).

[6] Section 4k(1) of the Act, as amended, specifies that:

It shall be unlawful for any person to be associated with . . . an introducing broker as a partner, officer, employee, or agent (or any person occupying a similar status or performing similar functions), in any capacity that involves (i) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (ii) the supervision of any person or persons so engaged, unless such person is registered with the Commission under this Act as an associated person . . . of such introducing broker. . . . It shall be unlawful for . . . [an] introducing broker to permit such a person to become or remain associated with the . . . introducing broker in any such capacity if such . . . introducing broker knew or should have known that such person was not so registered. . . . Any individual who is registered as a floor broker, futures commission merchant, or introducing broker (and such registration is not suspended or revoked) need not also register under this subsection.

Futures Trading Act of 1982, Section 212, 96 Stat. 2303-04.

[7] An individual who has applied for AP registration on or before the date of this letter will be allowed to engage in business as an AP of an introducing broker only after his application for AP registration has been granted unless an FCM has applied for and received a "no-action" position for that AP pursuant to procedures previously adopted by the Commission. *See* 47 Fed. Reg. 53764 (November 29, 1982) (commodities/securities APs); 48 Fed. Reg. 4709 (February 2, 1983) ("commodities-only" APs).

By comparison, persons who are not now registered as APs (or for whom no application has been filed as of the date of this letter) will not be allowed to associate with an introducing broker under this "no-action" position but will have to apply in accordance with final regulations. Similarly, a person who is not presently an agent of an FCM will not qualify for the "no-action" position described herein and, as a practical matter, will not be able to apply for registration as an introducing broker until appropriate regulations have become effective.

[8] Any associated person who has registered under the "sponsorship" of a futures commission merchant

You should be aware that the Commission has recently approved rules of the National Futures Association ("NFA") which, in effect, allow any futures commission merchant and its associated persons to solicit and accept orders for commodity option transactions, regardless of whether or not the FCM is a member of the contract market on which the option is traded, if that FCM is a member of NFA. This action by the Commission does not, however, extend to introducing brokers and their associated persons, who are not permitted to engage in option transactions on behalf of the public and who may be compensated for only those option transactions which occurred prior to May 11, 1983. In addition, associated persons who terminate their association with an FCM to become associated with an introducing broker will not be allowed to continue to solicit or accept orders from option customers or to supervise any person or persons so engaged [9] and an AP who elects to "transfer" to an introducing broker will not be permitted to remain associated with an FCM.

Each FCM and each agent of an FCM should therefore carefully determine whether the APs associated with that FCM through an agent are to remain associated with that FCM or whether they are to become APs of an introducing broker.[10] The Commission is transmitting under separate cover a listing of each FCM's agent and associated persons. Each futures commission merchant should review that listing to determine which of those agents and APs intend to continue in business as introducing brokers and as APs of introducing borkers rather than as APs of a futures commission merchant.

In those cases where an agent must register as an introducing broker (or where an individual AP elects to register as an introducing broker), the agent must complete two copies of the Form 7–R which has been enclosed for this purpose.[11] The Form 7–Rs must be accompanied by a Form 8–R and a fingerprint card for each principal of the applicant for registration as an introducing broker who does not have a current Form 8–R on file with the Commission.[12]

The Commission has authorized the National Futures Association to perform the registration processing functions associated with this "no-action" position that would otherwise be performed by the Commission for introducing brokers and their APs.[13] Although introducing brokers and their APs will be registered with the Commission, NFA will process the applications for registration and related materials submitted by those persons. The Form 7–Rs, and any Form 8–Rs and fingerprint cards submitted on behalf of a principal,[14] should therefore be submitted to, and must be *received* by, NFA not later than May 11, 1983, at the following address: National Futures Association, Attention: Steven L. Fuller, Director of Registration, 200 West Madison Street, Chicago, Illinois 60606.

The FCM and each of its agents must also provide a listing of the associated persons employed by those agents who are to become APs of the agent. Specifically, on or before May 11, 1983, the FCM and the applicant must provide NFA with a list, signed by both the agent and the FCM, specifying each AP whose registration is to be "transferred" from the FCM to the agent which is applying for registration as an introducing broker. That list must be in the form specified in the supplement to this letter and must contain the Certification specified therein. Alternatively, the FCM and the applicant for registration as an introducing broker may return the pertinent portion of the computer-generated listing which has been provided by the Commission *if the Certification is attached to that listing.* (In the latter case, the FCM and the agent must clearly indicate any changes or corrections to that listing, including the deletion of any APs whose registration is not to be transferred to the introducing broker.) An AP who is no longer sponsored by an FCM and whose registration is "transferred" to an introducing broker will thereafter be registered as an associated person of that introducing broker as long as he remains associated with the introducing broker and the introducing broker will be fully responsible for the conduct of that AP as if the AP had been registered under the "sponsorship" of the introducing broker.

If an agent does not apply for registration as an introducing broker in the form and manner specified above, the FCM must either: (1) Notify the Commission of the termination of the agency relationship and of the association with the FCM of any APs employed by the agent (including, where the agent was an individual, the agent himself);[15] or (2) include all APs formerly employed by the agent (and, if appropriate, the agent himself) in an existing or newly-designated branch office of the FCM.[16] If an FCM elects to continue its agents and the APs who were employed by those agents in its branch offices, the FCM must return to NFA, not later than May 11, 1983, a copy of the computer-generated listing supplied by the Commission which clearly indicates which APs are to be included in the FCM's network of branch offices, the branch office manager (or designated supervisor), and address of each such branch office.

Persons who are contemplating applying for registration as an introducing broker should be aware that the Commission has proposed to require introducing brokers to establish and maintain a minimum adjusted net capital of $50,000 [or $25,000 if the applicant introducing broker is a member of a self-regulatory organization such as a contract market or the National Futures Association]. The Commission has further proposed to require introducing brokers to maintain their adjusted net capital at 150% of those minimum dollar amounts (*i.e.*, $75,000, or $37,500 if the applicant is a member of a self-regulatory organization) if the applicant is to avoid filing the monthly reports on Form 1–FR that would otherwise be required under the Commission's financial "early warning" system.

The Commission is enclosing a sample Form 1–FR, the basic financial reporting form for FCMs which the Commission contemplates will be adapted for use by introducing brokers. Although the Form 1–FR should *not* be completed and filed at this time, an applicant for registration as an introducing broker who files the Forms 7–R and 8–R to benefit from the Commission's "no-action" position *will* be required to file two copies of a Form 1–FR, certified by an independent public accountant, not later than 90 days after the Commission adopts minimum financial requirements for introducing brokers.[17]

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in accordance with the procedures set forth in Commission regulation 3.12 [17 CFR 3.12 (1982)] will generally remain registered as such until he ceases to be associated with the sponsoring futures commission merchant. 17 CFR 3.12(b) (1982). (An AP who was registered prior to July 1, 1982 under the provisions of now-repealed Commission regulation 1.10b [17 CFR 1.10b (1981)] and whose registration has not yet expired may continue to act as such and remain associated with an FCM until his current registration expires. 17 CFR 3.12(a) (1982). Any such associated person would, of course, be required to re-register as an associated person under the "sponsorship" provisions of regulation § 3.12 at or prior to the time his current registration expires.)

[9] 17 CFR 33.3(b) (1982), *as amended by* 47 FR 56996, 57016–17 (December 22, 1982).

[10] As noted above, an "agent" who is an individual and who is registered as an AP of a futures commission merchant need not register as an introducing broker if that "agent" remains associated with an FCM in the same manner as any other associated person.

[11] Because the Commission's registration Forms have not yet been formally revised to reflect the recent statutory changes, applicants for registration as introducing brokers should carefully follow the supplemental instructions attached to the Forms.

[12] For these purposes, the term "principal" is defined to mean:

(1) Any person including, but not limited to, a sole proprietor, general partner, officer, director, branch office manager or designated supervisor, or person occupying a similar status or performing similar functions, having the power, directly or indirectly, through agreement or otherwise, to exercise a controlling influence over activities of introducing brokers; (2) any holder of more than ten percent of the outstanding shares of any class of stock; or (3) any person who has contributed more than ten percent of the capital.

Compare 17 CFR 3.1(a).

[13] *See* Futures Trading Act of 1982, Pub. L. No. 97–444, section 224(6), 96 Stat. 2315.

[14] Principals may use fingerprint cards supplied by either the Commission or NFA.

[15] 17 CFR 3.31 (e), (c) (1982).

[16] Any such branch office would, of course, be required to do business in the name of the FCM. Similarly, the APs in that branch office would be employees of the FCM rather than employees of the agent.

[17] The Commission anticipates that it will adopt final regulations in May 1983. Thus, an introducing broker would be required to file the certified Form 1–FR no later than sometime in August 1983. (The precise date will be specified by the Commission at the time it adopts those final regulations.)

The Commission contemplates that, as is the case with applicants for FCM registration, each person who files an application for registration as an introducing broker, must file either: (1) Two copies of a Form 1–FR certified by an independent public accountant as of a date not more than 45 days prior to the date on which such report is filed, or (2) two copies of an uncertified Form 1–FR as of a date not more than 45 days prior to the date on which such report is filed *and* two copies of a Form 1–FR certified by an independent public accountant as of a date not more than one year prior to the date on which such report is filed. Each such person would also be required to include with that financial report a statement describing the source of his current

The Commission will publish in the **Federal Register** a list of all applicants who qualify for a "no-action" position with respect to their registration as introducing brokers. Any introducing broker who would like immediate confirmation of its application must enclose an extra copy of the letter covering its submission to NFA as well as a pre-addressed, postage-paid envelope for this purpose. NFA will return a time-stamped copy of that letter but, in view of existing resource limitations, will not provide any other notice of an individual's or firm's qualification for a "no-action" position.

As indicated above, an AP whose registration is not transferred to an introducing broker will remain an associated person of the FCM. Neither the Commission nor NFA will accept any additions to the "transfer list" after it is filed; an introducing broker may not, therefore, hire new associated persons prior to the time it is formally registered as an introducing broker. By comparison, FCMs and introducing brokers will continue to be required to report the termination of the association of an AP with the FCM or introducing broker, respectively. (The Commission will, however, deem a properly-completed "transfer" list to satisfy an FCM's obligation to notify the Commission of the termination of an AP or agent.)

To recapitulate, the Commission will not take action solely to enforce the requirements of sections 4d and 4k(1) of the Act, as amended, where—

With respect to introducing brokers:

(1) The applicant for registration as an introducing broker was listed by an FCM as its agent as of the date of this letter;

(2) Two copies of a Form 7–R (as modified by the instructions attached to that Form) are completed by the applicant for registration as an introducing broker and received by the National Futures Association at the address specified above not later than May 11, 1983; and

(3) The Form 7–Rs are accompanied by a Form 8–R (as modified by the instructions attached thereto) and a fingerprint card for each principal of the introducing broker who does not have a current Form 8–R on file with the Commission.

With respect to associated persons of introducing brokers:

(1) Each associated person to be "transferred" to the introducing broker was either registered or had an application for registration as an associated person pending with the Commission as of the date of this letter; and

(2) The applicant for registration as an introducing broker and the futures commission merchant specify those APs, if any, whose registration is to be "transferred" to the introducing broker in the form and manner indicated in this letter.

The Commission's "no-action" position will terminate automatically if an applicant for registration as an introducing broker fails to file two copies of the certified Form 1–FR within ninety days after the Commission adopts final regulations setting forth minimum capital and related reporting requirements for introducing brokers or if the Form 1–FR does not adequately demonstrate compliance with those requirements. Furthermore, the Commission's "no-action" position may be terminated by notice from the Commission's Division of Trading and Markets or from the National Futures Association. Finally, the "no-action" will terminate upon the introducing broker's registration under the Act.

The Commission requests that you promptly confer with each of your agents to determine whether the agent will apply for the "no-action" position described above and, if so, that you make available to the agent copies of the enclosed Forms 7–R, 8–R, and 1–R. If you have any questions regarding these procedures, or if you need additional copies of those Forms or of the fingerprint card, please contact Steven L. Fuller, Director of Registration, National Futures Association, 200 West Madison Street, Chicago, Illinois 60606 ((312) 781–1410).

Sincerely,

Jean A. Webb,

Deputy Secretary of the Commission.

Associated Persons Whose Registration Is To Be Transferred From the Futures Commission Merchant to the Applicant for Registration as an Introducing Broker

Name, CFTC ID Number [1], *Registration Expiration Date* [2]

Certification:

The undersigned Futures Commission Merchant and applicant for registration as an Introducing Broker ("Applicant") agree to transfer the registration of each of the associated persons specified herein from that Futures Commission Merchant to Applicant. Applicant acknowledges: (1) That each such associated person will thereafter remain registered as an associated person of Applicant as though the associated person had been registered as an associated person of Applicant in accordance with the provisions of 17 CFR 3.12; (2) that Applicant will diligently supervise each such associated person with a view to preventing violations of the Commodity Exchange Act and the rules, regulations, and orders thereunder; and (3) Applicant acknowledges that it is fully responsible for the conduct of each such associated person as though the associated person had been registered as an associated person of Applicant in accordance with the provisions of 17 CFR 3.12.

For the Futures Commission Merchant:

Signature and Date

For the Applicant:

Signature and Date

Print Name and Title (Corporate Officer, General Partner, or Sole Proprietor)

Print Name and Title (Corporate Officer, General Partner, or Sole Proprietor)

Attach Continuation Sheet if Necessary

[FR Doc. 83-9680 Filed 4-12-83; 8:45 am]

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assets and representing that his capital has been contributed for the purpose of operating his business as an introducing broker and will continue to be used for that purpose.

[1] Provide social security number if CFTC identification number is not indicated on computer-generated listing supplied by the Commission.

[2] "99/99/99" indicates that AP has been registered in accordance with the "sponsorship" provisions of 17 CFR 3.12 and will remain registered as an AP until association with the Futures Commission Merchant or Applicant is terminated. *See* 17 CFR 3.12(b).

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 6H5143/R551; PH-FRL 2344-6]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Butachlor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation to permit residues of the herbicide butachlor in or on rice bran and hulls in connection with an experimental use permit involving the application of butachlor in the growing of rice. This regulation to permit marketing of the commodities while further data are being collected on the herbicide was requested, pursuant to a petition, by the Monsanto Agricultural Products Company.

EFFECTIVE DATE: April 13, 1983.

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

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

SUPPLEMENTARY INFORMATION: EPA issued a regulation published in the **Federal Register** of March 3, 1981 (46 FR 14889) that established a feed additive regulation permitting residues of the herbicide butachlor (*N*-(butoxymethyl)-2-chloro-2', 6'-diethylacetanilide) in or on rice bran at 0.5 part per million (ppm) and rice hulls at 1.0 ppm in connection with an experimental use permit involving the application of the herbicide in the growing of rice.

This regulation is being extended to April 23, 1984 to permit the continued testing, obtain additional data on butachlor, and to permit the continued marketing of commodities.

The scientific data reported and other relevant material have been evaluated and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit (524-EUP-30) that was concurrently extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

The pesticide is considered useful for the purpose for which the regulation is sought. It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq*) and is established as set forth below.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945). (Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1))).

List of Subjects in 21 CFR Part 561

Animal feeds, Pesticides and pests.

Dated: April 1, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 561—[AMENDED]

Therefore, 21 CFR 561.55 is revised to read as follows:

§ 561.55 Butachlor.

(a) [Reserved]

(b) Residues of the herbicide butachlor (*N*(-butoxymethyl)-2-chloro-2', 6'-diethylacetanilide) may be present in the following feeds only as a result of the application of the herbicide to the growing agricultural commodity in an experimental use program. Residues not in excess of these tolerances remaining after expiration of this experimental use permit will not be considered actionable if the herbicide has been legally applied during the term of, and in accordance with, the provisions of the experimental use permit.

Feeds	Parts per million	Expiration date
Rice bran	0.5	Apr. 24, 1984.
Rice hulls	1.0	Apr. 24, 1984.

[FR Doc. 83-9740 Filed 4-12-83; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 15

[Docket No. R-83-1091]

Release or Denial of Classified Material

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends the regulation governing release or denial of classified material by HUD to change the reference to Executive Order 12065, which has been superseded by Executive Order 12356.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: John C. Martin, Assistant Inspector General for Investigation, Office of Inspector General, Room 8274, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6390. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 2, 1982, President Reagan signed Executive Order 12356, National Security Information, effective August 1, 1982. This Executive Order, which superseded Executive Order 12065 on the same subject, made a number of changes designed to enhance the ability of the Executive Branch to protect against unauthorized or premature disclosure of classified material without increasing the quantity of such material.

The HUD regulation governing release or denial of classified material, found at 24 CFR 15.81, contains a reference to the superseded Executive Order. This final rule amends § 15.81(a)(4) so that the reference will be to the current Executive Order rather than to the superseded one.

Since this amendment merely updates the regulation to make the reference to the Executive Order current, the Secretary has determined that it is unnecessary to provide an opportunity for public comment on this amendment and that good cause exists for publishing this amendment as a final rule.

The HUD action taken by adoption of this rule is categorically excluded by 24 CFR 50.21(a)(7) from the procedural requirements for environmental clearances set forth in 24 CFR Part 50. Accordingly, no environmental finding has been prepared for this rule.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulations issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100,000,000 or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

This rule does not change any program listed in the Catalog of Federal Domestic Assistance.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 15

Classified information, Freedom of Information.

PART 15—[AMENDED]

Accordingly, 24 CFR Part 15 is amended by revising paragraph (a)(4) of § 15.81 to read as follows:

§ 15.81 Authority for release or denial of classified material.

(a) * * *

(4) Whenever it is necessary, by either the original classification authority or HUD to deny the declassification and release, in whole or part, of the requested information, the requester shall be notified, in accordance with Executive Order 12356, of:

(i) The reason for the denial,

(ii) The requesters' right to appeal the denial, and

(iii) The name, title, and address of the appellate authority

(5 U.S.C. 552; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Dated: April 5, 1983.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 83-9662 Filed 4-12-83; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 207, 213, 221, 232, 241, 242, 244, and 885

[Docket No. R-83-1090]

Amendments to Multifamily Mortgage Insurance and Section 202 Direct Loan Programs; Insured Advances and Loan Disbursements for Building Components Stored Off-Site

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

ACTION: Final rule.

SUMMARY: HUD is revising its regulations covering insured and direct loans advances for building components stored off-site to eliminate unnecessary requirements, simplify requirements and reduce the cost of construction. Principal changes cover the elimination of bonded warehouse requirements, the increase of the dollar amount of components covered by insured advances, and the deletion of specific agreement provisions to be used between the general contractor and the manufacturer of the insured components. These changes affect various multifamily insurance and direct loan programs.

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: James L. Hamernick, Director, Office of Multifamily Housing Development, Room 6128, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-5720 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Section 525(2) of the Housing and Community Development Act of 1974 authorizes the Secretary to insure mortgage proceeds for building components stored off-site. On February 8, 1979, HUD issued implementing regulations in the form of an interim rule. (44 FR 8194.) This interim rule made indentical amendments to the following regulations: Multifamily Housing Mortgage Insurance (§ 207.19a); Cooperative Housing Mortgage Insurance (§ 213.27a); Low Cost and Moderate Income Mortgage Insurance(§ 221.541a); Nursing Home and Intermediate Care Facilities Mortgage Insurance (§ 232.57); Supplementary Financing for Insured Project Mortgages (§ 241.41); Mortgage Insurance for Hospitals (§ 242.54); and Mortgage Insurance for Group Practice Facilities (Title XI) (§ 244.68). The regulations established storage requirements, allocation of responsibilities for transportation, storage and insurance of off-site building components, and limitations on advances insured. HUD issued nearly identical provisions as an Interim Rule on May 15, 1980, to cover the Section 202 housing for the elderly or handicapped program (45 FR 31990).

Regulations governing the insurance or making of advances for components stored off-site are identical for all of the above referenced programs. The principal requirement is the use of either a bonded warehouse if the compontents are stored away from the production site or a bonded warehouseman if the components are stored at the factory production site. In either case the components have to be readily identifcable and segregated from components stored for use in other than the project.

The regulations specify responsibilities for transportation and storage between the general contractor and the manufacturer depending upon whether the components are in transit to the storage area, in storage, or in transit from the storage area to the construction site. The regulations also place limits on the use of insured or direct loan advances. Insured or direct loan advances are to be limited to components (1) certified by the mortgagor's architect that they comply with HUD-approved contract plans and specifications, (2) scheduled to be incorporated into the project no more than six months from date of the insured advance, and (3) that at any moment in time, do not exceed 25 percent of the total estimated construction costs of the insured project.

Under the multifamily insurance and direct loan programs, the mortgagor is to obtain a bill of sale for the components, provide the mortgagee with a security agreement, and file a financing statement in accordance with the Uniform Commercial Code. The mortgagee in turn is to warrant to HUD that the security instruments represent a first lien on the building components covered by the insurance. Under the elderly and handicapped program, the mortgagor provides HUD as mortgagee with the security agreement.

Two comments were received in response to the insured, multifamily interim rule. Both supported the purposes of the regulation, but suggested specific changes. The Prestressed Concrete Institute ("PCI") recommended that the bonded warehouseman requirement created unwarranted costs by creating an additional, unnecessary party to the construction process. A far simpler means of reducing risk of loss or damage, according to PCI, would be by use of a certificate of insurance. The Associated General Contractors of America ("AGC") took the same position on bonded warehouses. AGC also pointed to the protections afforded by HUD performance bond requirements. Thus, use of a bonded warehouse was redundant, adding unnecessary cost. AGC also recommended that the off-site provisions be extended to cover materials as well as components. Finally, AGC proposed elimination of the six month requirement. This provision restricts making advances for components more than six months before their scheduled use, and thus limits the ability of the contractor to make purchases at the most advantageous price.

No comments were received in response to the Section 202 interim rule. HUD considers, however, the above two comments to be relevant for review of this interim rule because it is identical in substance to the multifamily insurance interim rule.

HUD has reconsidered the bonded warehouse requirement in light of the purposes to be served by such a provision and the experiences of selected State housing finance agencies which allow advances for materials stored off-site. There is no statutory requirement for a bonded warehouse requirement. This requirement, instead, reflected a concern by HUD that components be safely stored prior to construction and that the Department be protected against losses arising from insurance claims due to theft, damage or

other loss to the components while stored off-site.

HUD's concerns are already covered by existing insurance requirements. The general contractor continues to be responsible for adequate insurance against loss from theft, vandalism, fire, or insurable natural causes while components are in storage or transit. The components are to be insured in the name of the mortgagor, mortgagee, and general contractor. See paragraph 5-2, HUD Handbook 4470.3, Insurance of Advances for Components Stored Off-Site (9/80). HUD intends to change the Handbook to include the Commissioner—Federal Housing Administration as a named beneficiary.

The Department concludes that this concern is also adequately addressed by the assurance of completion requirements of §§ 207.19, 213.27, 221.542, 232.56, 241.140, 242.61, 244.95 and 885.415. In general, the mortgagor contracts that the project will be completed in accordance with the HUD-approved plans and specifications and assures the mortgagee that sufficient funds are available to complete the project at the stated contract amount. Assurances may take the form of a personal indemnity agreement, corporate surety bonds for payment and performance or a completion assurance agreement secured by a cash deposit. An additional bonded warehouse requirement is redundant of these contractual provisions. HUD recognizes that some of its construction documents do not adequately address components stored off-site. Until HUD revises all its construction documents, construction contracts and the building loan agreement may be amended by appropriate addenda to cover, consistent with the regulation, the storage of components off-site.

The experience of States that insure advances for components stored off-site show that a bonded warehouse requirement is unnecessary. HUD looked at the State home finance agency experiences in New Jersey and Pennsylvania. These agencies allow for insured advances. They only require that such advances be made subject to (1) passage of title in the components to the owner, (2) inspection of the components to verify the quantities involved, (3) insurance to protect against damage or loss, listing as beneficiaries the lending institution and the government authority, and (4) an appropriate filing of a financing statement under the Uniform Commercial Code. Both agencies report complete satisfaction with these requirements. HUD regulations presently require and will continue to require a bill of sale, security agreement, and financing statement.

The Department finds that the requirements of a bonded warehouse or bonded warehouseman are onerous and have impeded the use of off-site storage under HUD insured and direct loan programs. It is impractical to store components in a bonded warehouse because of their bulk and weight, and because the costs of shipping, handling and storage are excessive. In addition, the costs of such storage are not off-set by any appreciable benefits. Therefore, HUD is deleting the requirement for bonded warehouse or warehouseman.

HUD defined insured advances to cover aggregate costs which included costs of storage and freight to the construction site. HUD is altering this policy to limit insured advances to cover only the "invoiced value"—the actual value—of the components. The aim is to pay advances for completed work. Thus, payment for components, after title has passed to the contractor or mortgagor, as the case may be, justifies advances when the components are stored off-site. However, the performance of storage and transportation functions are not completed until the components are delivered to the construction site. Proper time for payment for these other items, therefore, is after delivery of the components to the construction site. This changes in policy will necessitate change to paragraph 6-9 of Handbook 4470.3.

AGC's recommendation that the off-site storage provisions be extended to materials cannot be implemented. Section 525(2) of the Housing and Community Development Act of 1974 solely authorizes the Secretary to insure mortgage proceeds for building *components* stored off-site. Extension of the provision to materials would require statutory change. HUD does not consider such extension warranted given the easy availability of most materials.

The regulatory provisions pertaining to the responsibilities of the manufacturer for securing insurance and covering transportation costs, has been deleted. The general contractor is responsible to the owner for the cost of delivery and insurance of components. By holding the general contractor responsible for these items, the government's interest is protected. Therefore, it is unnecessary to specify how the general contractor should procure components. How the general contractor elects to allocate these cost responsibilities through subcontractors or directly to manufacturers will vary depending upon the particular circumstances of each project.

Several revisions have been made that cover the requirements for advances. The six month limitation is unnecessary and therefore is deleted. AGC had argued that the six-month limitation would prevent certain purchases at advantageous prices. While this situation may be true under some circumstances, the original intent of the six month limitation was otherwise—to avoid prolonged storage of components which could result in deterioration of the components prior to their incorporation into the project. The government is already protected against such eventualities either through insurance, performance bonds or through the underlying contractual requirement that the building comply with the HUD-approved contract plans and specifications. Experience with conventional construction is that off-site storage is inevitably for a shorter period of time.

As to AGC's advantageous price argument, HUD agrees that contractors should not be restrained from making purchases more than six-months in advance where the costs (to include all indirect costs—insurance, construction loan interest costs, etc.) are advantageous to the mortgagor. Of course, advances for components stored off-site should not be made if it is reasonable to expect that components would deteriorate during the storage period—a consideration based upon the type of components involved, the type of physical storage, and time period before use in the project. Nor should insurances of advances be issued where the accumulation of indirect costs, particularly interest costs, would not be off-set by savings in component costs.

Some projects have a significant proportion of their costs in components. This is primarily the case when modular construction is used. The regulations, however, limit the use of insured or direct loan advances never to exceed, at any moment in time, 25 percent of the total estimated construction cost. This provision is amended to increase the value of insurable or direct loan advances to 50 percent. To assure adequate protection, no insurance of components stored off-site can be made in the absence of a payment and performance bond. To incur advances in excess of 25 percent, the contractor would have to obtain a 100 percent payment and performance bond.

The regulations limit the insurance and making of advances for components by requiring that the total cost of development using such advances not

exceed the total development cost under conventional construction. This provision is redundant since there are statutory limits on the cost of insurable projects and regulatory cost limits under the Section 202 program. A HUD-approved contract must comply with the statutory limits, and thus it automatically complies with the above subprovision. Therefore, the provision is unnecessary and is deleted.

This rule is listed at 47 FR 48447 as item H-20-78 in the Department's Semi-Annual Agenda of Regulations published on October 28, 1982, pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

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

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement Section 102(2)(C) of the National Environment Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10278, 415 Seventh Street, SW., Washington, D.C. 20410.

Pursuant to 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule expands the methods of off-site storage of components that are covered by insured or direct loan advances. The change will not alter the composition of general contractors or component manufacturers doing business in HUD insured or direct loan programs.

The following numbers, 14.103 through 14.167, identify the programs as listed in the Catalog of Federal Domestic Assistance, affected by this regulation change.

List of Subjects

24 CFR Part 207

Mortgage insurance, Rental housing, Mobile home parks.

24 CFR Part 213

Mortgage insurance, Cooperatives.

24 CFR Part 221

Condominiums, Low and moderate income housing, Mortgage insurance, Displaced families, Single family housing, Projects, Cooperatives.

24 CFR Part 232

Fire prevention, Health facilities, Loan programs—health, Loan programs—housing and community development, Mortgage insurance, Nursing homes, Intermediate care facilities.

24 CFR Part 241

Energy conservation, Mortgage insurance, Solar energy, Projects.

24 CFR Part 242

Hospitals, Mortgage insurance.

24 CFR Part 244

Health facilities, Mortgage insurance.

24 CFR Part 885

Aged, Grant programs—housing and community development, Handicapped, Loan programs—housing and community development, Low and moderate income housing.

Accordingly, 24 CFR Parts 207, 213, 221, 232, 241, 242, 244 and 885 are amended as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. Section 207.19a is amended by removing paragraph (d)(6) and by revising paragraphs (b)(1), (c), (d)(3) and (d)(4) to read as follows:

§ 207.19a Insured advances for building components stored off-site.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged property shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

1. Section 213.27a is amended by removing paragraph (d)(6) and by revising paragraphs (b)(1), (c), (d)(3) and (d)(4) to read as follows:

§ 213.27a Insured advances for building components stored off-site.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged property shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity

required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

1. Section 221.541a is amended by removing paragraph (d)(6) and by revising paragraphs (b)(1), (c), (d)(3) and (d)(4) to read as follows:

§ 221.541a Insured advances for building components stored off-site.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged properly shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

1. Section 232.57 is amended by removing paragraph (d)(6) and by revising paragraphs (b)(1), (c), (d)(3) and (d)(4) to read as follows:

§ 232.57 Insured advances for building components stored off-site.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged property shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

1. Section 241.41 is amended by removing paragraph (d)(8) and by revising paragraphs (b)(1), (c), (d)(3), and (d)(4) to read as follows:

§ 241.41 Insured advances for building components stored off-site.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged property shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100

percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

1. Section 242.54 is amended by removing paragraph (d)(6) and by revising paragraphs (b)(1), (c), (d)(3) and (d)(4) to read as follows:

§ 242.54 Insured advances for building components stored off-site.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged property shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 50 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES (TITLE XI)

1. Section 244.68 is amended by removing paragraph (d)(6) and by revising paragraphs (b)(1), (c), (d)(3) and (d)(4) to read as follows:

§ 244.68 Insured advances for building components stored offsite.

* * * * *

(b) *Storage.* (1) An insured advance may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by the mortgagee and the Commissioner.

* * * * *

(c) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the insured mortgaged property shall have the responsibility for (1) insuring the components in the name of the mortgagor while in transit and storage; and (2) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(d) * * *

(3) Advances may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(4) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

PART 885—LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

1. Section 885.420 is amended by removing paragraph (d)(3)(vi) and by revising paragraphs (d)(1)(i), (d)(2), (d)(3)(iii), and (d)(3)(iv) to read as follows:

§ 885.420 Loan disbursement procedures.

* * * * *

(d) * * *

(1) *Storage.* (i) A loan disbursement may be made for up to 90 percent of the invoice value (to exclude costs of transportation and storage) of the building components stored off-site if the components are stored at a location approved by HUD.

* * * * *

(2) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the project shall have the responsibility for (i) insuring the components in the name of the Borrower while in transit and storage; and (ii) delivering or contracting for the delivery of the components to the storage area and to the construction site, including payment of freight.

(3) * * *

(iii) Loan disbursements may be made only for components stored off-site in a quantity required to permit uninterrupted installation at the site.

(iv) At no time shall the invoice value of building components being stored off-site, for which advances have been insured, represent more than 25 percent of the total estimated construction costs for the insured mortgaged project as specified in the construction contract. Notwithstanding the preceding sentence and other regulatory requirements that set bonding requirements, the percentage of total estimated construction costs insured by advances under this section may exceed 25 percent but not 50 percent if the mortgagor furnishes assurance of completion in the form of a corporate surety bond for the payment and performance each in the amount of 100 percent of the amount of the construction contract. In no event will insurance of components stored off-site be made in the absence of a payment and performance bond.

* * * * *

(Sec. 525, National Housing Act; 12 U.S.C. 1735f-3; Sec. 7(d), Dept. of HUD Act, 42 U.S.C. 3535(d))

Dated: April 5, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-9661 Filed 4-12-83; 8:45 am]

BILLING CODE 4210-27-M

24 CFR Part 219

[Docket No. R-83-1034]

Flexible Subsidy Program

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

ACTION: Final rule.

SUMMARY: This rule allows the Secretary to include in the amount of flexible subsidy assistance to a troubled low or moderate income project an amount to implement a plan to upgrade the project to meet cost effective energy efficiency standards prescribed by the Secretary. This action makes final the interim rule implementing section 329C(1) of the Housing and Community Development Amendments of 1981, which was published for effect on November 16, 1982 (47 FR 51564).

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management and Occupancy, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-5654. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The flexible subsidy program is authorized by Section 201 of the Housing and Commodity Development [HCD] Amendments of 1978. The flexible subsidy provides assistance to restore or maintain the financial soundness, to assist in the improvement of management and to maintain the low- to moderate-income character of certain troubled multifamily housing projects. Section 201 is incorporated, and implemented, by Part 219 of the Department's regulations.

Section 201(f)(1) of the statute and § 219.120 of the regulations prescribe uses for which flexible subsidy may be provided. Section 329C(1) of the HCD Amendments of 1981 amended section 201(f)(1) to authorize the Secretary to include in the meet flexible subsidy an amount necessary to upgrade the project to cost-effective energy efficiency standards prescribed by the Secretary. On November 16, 1982, the Department published an interim rule which implemented this change.

The Department received only one comment. The commenter wanted the rule revised to allow flexible subsidy assistance to be used for substantial rehabilitation for troubled low or moderate income projects.

The rule has not changed to reflect the comment because, in the Department's view, flexible subsidy assistance was never intended to pay for substantial rehabiliation of projects eligible for such assistance.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The finding is available for public inspection during regular business hours in the Office the Rules Docket Clerk, Room 10278, 451 Seventh Street, S.W., Washington, D.C. 20410.

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

This rule is not listed in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number and title are 14.164, Operating Assistance for Troubled Multifamily Housing Projects.

Pursuant to 5 U.S.C. 605(b) (the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a substantial number of small entities. This rule merely expands the uses for which flexible subsidy may be provided.

List of Subjects in 24 CFR Part 219

Grant programs—housing and community development, Low and moderate income housing, Rent subsidies.

Accordingly, the interim rule published at 47 FR 51564 on November 16, 1982 is adopted as final without change.

Authority: Sec. 201(g), Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1a(g); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Dated: April 5, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-9083 Filed 4-12-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 952

Requesting AFOSI Investigations and Safeguarding, Handling, and Releasing Information from AFOSI Reports

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 952, Requesting AFOSI Investigations and Safeguarding, Handling, and Releasing Information from AFOSI Reports, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 124-4 has been revised. It is intended for internal guidance and has no applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Kennedy, HQ Air Force Office of Special Investigations, XPP, Bolling AFB, DC 20332, telephone (202) 767-5849.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 952

Classified information, Investigations.

PART 952—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 952.
(10 U.S.C. 8012)

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-9077 Filed 4-12-83; 8:45 am]

BILLING CODE 3910-01-M

POSTAL RATE COMMISSION

[Docket No. RM83-3; Order No. 493]

39 CFR Part 3001

Order of the Commission Amending Rules of Practice and Procedure

April 6, 1983.

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: The Postal Rate Commission, pursuant to 39 U.S.C. 3603, adopts a change in its rules of practice. The Commission changes rule 31a(c) so that notice will be provided in cases of release of *in camera* information to government agencies. It also provides that such notice may be waived in extraordinary circumstances for good cause.

ADDRESSES: Comments and other correspondence relating to this Final Rule should be sent to David F. Harris, Secretary of the Commission, 2000 L Street, NW., Washington, D.C. 20268 (telephone: 202/254–3880).

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, Assistant General Council, 2000 L Street, NW., Washington, D.C. 20268 (telephone: 202/254–3836).

EFFECTIVE DATE: April 13, 1983.

SUPPLEMENTARY INFORMATION: On December 21, 1982, the Commission issued a Notice of Proposed Rulemaking [1] which proposed a change in rule 31a(c) so that there would be greater protections in instances of release of *in camera* information to government agencies. That Notice was prompted by suggestions from the Postal Service in response to Docket No. RM83–1, regarding rule 42a. The Postal Service had argued that the last line of rule 31a(c) should be deleted.

In its Notice, the Commission solicited comments on its proposed rule, by January 31, 1983. The Postal Service was the only party which filed comments.[2] In those comments, the Service reiterated that the last line of rule 31a(c) should be deleted. It also stated that everything after the first sentence should be deleted. As support for its arguments, the Postal Service stated:

> [G]overnment agencies have played adversarial roles in recent Commission dockets and in court activity following Commission cases. There is no legitimate reason why any government agency which chooses to play such a role or which may in the future choose to do so should have access to information that is unavailable to other parties.

Comments at 2.

We agree with the Service to the extent that those in an adversarial role would not warrant the "extraordinary circumstances" waiver. Similarly, if the Postal Service were involved in litigation with a government agency, we would find it difficult to interpret an application for *in camera* documents as one showing "good cause". The rule is definitely not intended to accord greater rights, in litigation, to government agency parties than to other parties. We feel the rule adequately protects the parties, while still allowing a certain amount of flexibility with respect to the government's other potential needs in the extraordinary circumstances contemplated.

[1] Published at 47 FR 57514, December 27, 1982.

[2] Comments of the United States Postal Service on Postal Rate Commission Proposed Rulemaking, January 25, 1983.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure.

PART 3001—RULES OF PRACTICE AND PROCEDURE

§ 3001.31a [Amended]

Accordingly, under the authority of 39 U.S.C. 3603, and for the reasons set out above, we hereby amend Title 39 of the Code of Federal Regulations, Part 3001, by revising § 3001.31a(c) to read as follows:

* * * * *

(c) Release of *in camera* information. *In camera* documents and testimony shall constitute a part of the confidential records of the Commission and shall be subject to the provisions of § 3001.42 of this chapter. However, the Commission, on its own motion or pursuant to a request, may make *in camera* documents and testimony available for inspection, copying, or use by any other governmental agency. The Commission shall, in such circumstrances, give reasonable notice of the impending disclosure to the affected party. However, such notice may be waived in extraordinary circumstances for good cause.

* * * * *

By the Commission.

David F. Harris,

Secretary.

[FR Doc. 83-9679 Filed 4-12-83; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 3F2798/R550; PH-FRL 2341-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Nomate—Biockaide (™), Boll Weevil Aggregation Stimulant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance of residues for the insect pheromone Nomate Blockaide containing Grandlure, Z-2-iso-propenyl-1-methylcyclobutane ethanol, Z-3, 3-Dimethyl-1[1,β],-cyclohexane ethanol, Z-3, 3-Dimethyl-Δ^1-cyclohexane ethanol E-3, 3-Dimethyl-Δ^1-cyclohexane ethanol), and plant volatiles combination; Cyclic Dexadiene, Cyclic Decene, Cyclic Pentadecatriene and Decatriene when used on cotton as a cotton boll weevil aggregation stimulant. The regulation eliminates the need to establish a maximum permissible level for residues of this "Biorational" pesticide.

This regulation to eliminate the need to establish a maximum permissible level for residues of the pheromone—plant volatiles combination was requested by Albany International, Controlled Release Division, 110 A Street, Needham, MA 02194.

EFFECTIVE DATE: Effective on April 13, 1983.

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

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

SUPPLEMENTARY INFORMATION: EPA issued a notice in the **Federal Register** (48 FR 11161, March 16, 1983) which announced that Albany International, Controlled Release Division, 110 A Street, Needham Heights, MA 02194, had filed a pesticide petition (3F2798) with the EPA. This petition proposed that an exemption from the requirement of a tolerance be established for residues of the biological insecticide (pheromone) Nomate Blockaide, containing the active ingredients: Cyclic Dexadiene; Cyclic Decene; Cyclic Pentadecatriene; Decatriene; Z-2-iso-propenyl-1-methylcyclobutane ethanol, Z-3, 3-Dimethyl-1[β],-cyclohexane ethanol, Z-3, 3-Dimethyl-Δ^1-cyclohexane ethanol E-3, 3-Dimethyl-Δ^1-cyclohexane ethanol), when applied to cotton. No comments were received in response to this notice of filing.

This product is a combination of the boll-weevil pheromone Grandlure (which has been previously registered for use on cotton) containing the active ingredients: Z-2-iso-propenyl-1-methylcyclobutane ethanol, Z-3, 3-

Dimethyl-1[β],-cyclohexane ethanol, Z-3, 3-Dimethyl-Δ^1-cyclohexane ethanol E-3, 3-Dimethyl-Δ^1-cyclohexane ethanol and a mixture of naturally occurring plant volatiles containing the active ingredients: Cyclic Dexadiene; Cyclic Decene; Cyclic Pentadecatriene and Decatriene applied in very small hollow synthetic fibers. The pheromone acts as a sex attractant which disrupts mating of the cotton boll-weevil. Additionally, the plant volatile acts as an olfactory efficacy enhancer for this product. The recommended aerial application rate of Nomate—Blockaide is 2 g/acre designed to be released over a 21-day period at 0.024 mg/m²/day. The product will be used as an adjuvant to enhance the efficiency and effectiveness of conventional insecticide treatments traditionally used for boll-weevil control by causing the weevils to aggregate in designated areas. Boll-weevils naturally migrate from overwintering places first to edges of cotton fields. Once on the edges of the cotton fields, male boll-weevils release an aggregation pheromone which attracts additional males and females. The product will be applied to edges of cotton fields and functions by slowing releasing synthetic boll-weevil pheromone and synthetic cotton plant volatiles.

1. Exemption from the requirement for tolerances on raw agricultural commodities and registration of Nomate Blockaide on a conditional basis is toxicologically supported:

(a) The pheromone portion of Nomate Blockaide (Grandlure) was previously registered for use on cotton.

(b) The four plant volatile chemicals used in Nomate Blockaide are synthetic replicas of plant volatiles that occur naturally in cotton plants, and have been registered under 21 CFR as synthetic flavoring substances and adjuvants that may be used in human food.

(c) The hexane and polyoxymethylene copolymer synthetic fibers in Nomate Blockaide are cleared for use as inert materials in pesticides.

(d) Nomate Blockaide will be released on treated sites at the rate of 0.024 mg (24 micrograms) per square meter per day, which is equivalent to 1 microgram per square meter per hour. It is highly unlikely that humans or animals would be exposed to Nomate Blockaide.

(e) A lack of demonstrable toxicity and near non-existent potential for exposure to Nomate Blockaide indicates that its use to aid in boll-weevil control would not result in hazards to public health.

Due to the small quantity of product being used, and its rather rapid dissipation into the environment, the acceptable daily intake (ADI) and maximum permissible intake (MPI) considerations are not relevant to this petition.

The data submitted or referenced in this petition and other relevant material have been evaluated. The toxicological data considered in support of the exemption from the requirement of a tolerance included:

1. A Primary Eye Irritation of Plant Volatiles—in Rabbits.

2. An Acute Inhalation Toxicity of Vapor Emitted From a Blend of Plant Volatiles, Rats.

3. Acute Inhalation Toxicity of Vapor Emitted from Grandlure, Rats.

The above tests did not show any deleterious effects that would indicate a cause for alarm by the use of this product. However, additional data has been requested. The following is a list of studies to be submitted within 18 months after Conditional Registration:

A. *On Plant Volatile Chemicals*
(a) Ames Mutagenicity Assay
(b) Cellular Immune Response Studies
B. *Grandlure (boll-weevil pheromone)*
(a) Ames Mutagenicity Assay
(b) Cellular Immune Response Studies

Nomate Blockaide is considered useful for the purpose for which the exemption from the requirement of a tolerance is sought. It is concluded that a tolerance for Nomate Blockaide is not necessary to protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

The Agency is currently in the process of promulgating proposed guidelines for registration of biorational pesticides (i.e., biochemical and microbial pest control agents). These guidelines would establish the standards for testing and the requirements for data submissions to support the registration of biorational pesticides. The Agency expects that the proposed guidelines will be published as final in the **Federal Register** in late spring of 1983.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950). Effective on: April 13, 1983.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pests and pesticides.

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

Dated: March 16, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended by adding a new § 180.1080 to read as follows:

§180.1080 Plant volatiles and pheromone; exemptions from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the plant volatiles Cyclic Dexadiene, Cyclic Decene, Cyclic Pentadecatriene, and Decatriene and the pheromone *Z*-2-iso-propenyl-1-methylcyclobutane ethanol, *Z*-3, 3-Dimethyl-1,beta-cyclohexane ethanol, *Z*-3, 3-Dimethyl-delta[1], cyclohexane ethanal, and E-3, 3-Dimethyl-delta[1], cyclohexane ethanal combination when applied to cotton in hollow synthetic fibers.

[FR Doc. 83-9085 Filed 4-12-83; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Limitations on Payment for Services Furnished to Employed Aged and Their Spouses

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: These regulations set forth policies and procedures under which Medicare payment will be made for health care items or services furnished

to employed individuals age 65 through 69 and their spouses age 65 thorugh 69, who are covered under an employer group health plan. These regulations implement section 116(b) of Pub. L. 97–248, the Tax Equity and Fiscal Responsibility Act of 1982. The purpose of these provisions is to make Medicare benefits secondary to benefits payable under an employer group health plan for services furnished to employed individuals and their spouses age 65 through 69.

EFFECTIVE DATE: Services furnished on or after: January 1, 1983. Although these regulations are being published as final regulations for reasons described in the Supplementary Information section, comments may be submitted by June 13, 1983.

ADDRESS: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, ATTENTION: BPP–235–FC, P.O. Box 17073, Baltimore, Maryland 21235.

In commenting, please refer to file code BPP–235–FC.

If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

Comments will be available for public inspection as they are received, beginning approximately three weeks after publication, in Room 309–G of the Department's offices at 200 Independence Ave., SW., Washington, D.C. 20201, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202–245–7890).

FOR FURTHER INFORMATION CONTACT: Herbert Pollock (301) 594–4978.

SUPPLEMENTARY INFORMATION:

I. Background

Since the inception of the Medicare program, a clear relationship has existed between Medicare and other third party payers of health care services. Except in certain instances specified in Section 1862(b) of the Social Security Act, Medicare has been the primary payer for all covered items and services furnished to beneficiaries with dual coverage with other payers considered supplemental or secondary.

One exception to this rule concerns health care related items and services covered under workers' compensation, for which Medicare payments are excluded [*see* section 1862(b)(1) of the Social Security Act and 42 CFR 405.316). The other exceptions relate to items and services for which payment has been made or can reasonably be expected to be made under automobile medical, no fault or any liability insurance (section 953 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499), which amended section 1862(b)(1) of the Social Security Act), and items and services furnished to end-stage renal disease beneficiaries who are also covered under an employer group health plan during a specified period of up to 12 months (section 2146 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), which added section 1862(b)(2)). The regulations now being adopted implement a fourth statutory exception to the rule that Medicare is the primary payer in a dual payer situation. (*See* section 1862(b)(3) of the Act.)

II. Related Federal Legislation

The Federal Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. 621, prohibits employment discrimination on the basis of age for workers between the ages of 40 and 70. Before the enactment of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248), the Department of Labor (DOL) and subsequently the Equal Employment Opportunity Commission (EEOC) permitted employers to take into account those benefits provided by Medicare when providing health insurance benefits for employees beween the ages of 65 and 70. At that time Medicare was the primary payer for health care related items and services and an employer plan was permitted to reduce its benefits to the extent that benefits were payable by Medicare. An interpretative bulletin, now enforced by the EEOC, permitted employer group health plans either to (1) "carve-out" those health insurance benefits provided by Medicare or (2) supplement Medicare with benefits for services which Medicare was not expected to pay. Under the "supplemental" approach, an employer's insurance generally covered those services, such as prescription drugs, expenses and Medicare deductibles and coinsurances, which were specifically not paid by Medicare. Under either approach, however, the DOL interpretative bulletin required that the combined health insurance benefits from Medicare and the employer group health plans available to employees between the ages of 65 and 70 be at least as favorable as those benefits available to younger employees. *See* 29 CFR § 860.120(f)(1)(ii)(A). The interpretative bulletin further provided that if the employer's regular plan required no employee contribution or an amount less than that required for Part B coverage under Medicare, the employer would have to pay or contribute toward the Part B premium payment so as to make the total benefits available no less favorable for employees 65 and over than for workers under 65. *See* 29 CFR § 860.120(f)(1)(ii)(B).

III. New Legislation

Section 116(a) of Pub. L. 97–248, the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), amended section 4 of the ADEA. Effective January 1, 1983, employers of 20 or more employees are required to offer those employees age 65 through 69 the same group health plan coverage and under the same conditions as are offered to employees under age 65.

Section 116(b) of Pub. L. 97–248 added section 1862(b)(3) to the Act to make Medicare benefits secondary to benefits payable under employer group health plans for employees age 65 through 69 and their spouses age 65 through 69. This provision applies to items and services furnished on or after January 1, 1983. Although it applies only to individuals entitled to Part A of Medicare, it is applicable to items and services covered under both Parts A and B of Medicare. The new provision does not apply to individuals who are only entitled to Part B. Also, it does not apply to individuals age 65 through 69 who are entitled to Medicare (or who would be so entitled upon filing an application) on the basis of end-stage renal disease (ESRD). A separate provision (Section 1862(b)(2) of the Act, as enacted by section 2146 of Pub. L. 97–35) that applies to ESRD beneficiaries is the subject of a separate regulation.

Under the new section 1862(b)(3), all Medicare payments to or on behalf of employees age 65 through 69 and their spouses age 65 through 69 must either be secondary benefits or payments conditioned on reimbursement to the appropriate trust fund (the Hospital Insurance Trust Fund or the Supplementary Medical Insurance Trust Fund) when notice or other information is received that payment has been made under an employer group health plan. HCFA is authorized to waive recovery of an individual claim if it determines that the probability of recovery or the amount involved does not warrant pursuit of the claim.

HCFA has worked closely with EEOC in developing these regulations which implement the change in the Medicare law. The EEOC, in turn has worked closely with HCFA in developing regulatios to implement the ADEA changes. The EEOC regulations are being published separately.

IV. Overview

In summary, the amendments to the Medicare regulations would provide that for services furnished on or after January 1, 1983:

- Medicare benefits are secondary to benefits payable by employer group health plans in the case of employed beneficiaries age 65 through 69 and their spouses age 65 through 69.
- This provision applies only to group health plans of employers which employ 20 or more employees. The Congressional reports which accompanied this legislation specified this requirement to avoid adversely impacting small business.
- Since the Federal government is an employer for purposes of this provision, the Federal Employees Health Benefits Program will be primary payer and Medicare will be secondary payer in the case of individuals entitled to benefits under both programs.
- This provision applies to services furnished by physicians, suppliers, institutional providers and health maintenance organizations.
- Only employed beneficiaries and their spouses who are entitled to Part A of Medicare (hospital insurance benefits) are affected. The spouse may be entitled to Part A on his or her own social security earnings record or the employed individual's earnings record. The spouse is affected only if covered under the employed individual's employer group health plan. Beneficiaries who are eligible for Medicare under the ESRD and disability provisions are not subject to this provision.
- An employed Medicare beneficiary or the beneficiary's spouse age 65 through 69 who declines the employer's group health plan retains Medicare as the primary payer for covered services.
- Where payment by an employer group health plan is less than the amount of the charge, Medicare pays the remainder of the charge (without regard to the Medicare or employer plan deductible or co-insurance) subject to the following limits:

—The Medicare payment may not exceed the amount which would be payable by Medicare if the services were not covered by the employer group health plan.

—In the case of services reimbursed by Medicare on a reasonable cost or other cost-related basis, Medicare pays the Medicare reasonable cost or cost-related reimbursement rate (or, if lower, the customary charge) or the amount determined under section 1886(b) of the Social Security Act, minus the higher of the amount paid by the employer plan or the applicable Medicare deductible or coinsurance amounts.

—In the case of services reimbursed by Medicare on a reasonable charge basis, Medicare pays the higher of: The Medicare reasonable charge or other amount which would be payable under Medicare minus the amount paid by the employer plan, or (in the case of unassigned claims) the employer plan's allowable charge minus the amount paid by the employer plan. (This formula differs from the one used under the provision which makes Medicare secondary to employer group health plans for up to one year in the case of ESRD beneficiaries (Section 1862(b)(2) of the Act). The different formulas reflect differences between the statutory language used in the two provisions.)

V. Issues

The legislative provisions we are implementing are relatively detailed and precise, allowing minimal discretion. There are, however, three issues that require clarification. The first concerns an ambiguous reference in the law pertaining to the applicability of these provisions to persons in the months they become age 65 and 70. Another concerns the practice of some health plans of specifying that they provide benefits secondary to medicare. The third relates to the scope of the amendment.

The basic considerations in addressing these issues are discussed below:

Issue: Whether the period in which medicare is secondary includes the month of attainment of age 65 and the month in which the individual attains age 70.

Clause (i) of section 1862(b)(3)(A) of the law is ambiguous regarding the beginning and the end of the period in which medicare is secondary. The clause states that medicare is secondary during the period individuals are over 64 but under 70, or apparently from date of attainment of age 65 up to but not including the date of attainment of age 70. However, it also incorporates by reference clause (iii). The latter in turn states that clause (i) applies to the period beginning with the month of entitlement to part A and ending with the month in which the individual attains the age of 70. Since clause (iii) is unambiguous and is incorporated into clause (i), we view clause (iii) as a clarification of clause (i) and therefore a definitive basis for determining both the beginning and end of the period during which medicare is secondary.

Accordingly, the changes made by these regulations apply to items and services furnished to individuals from the month of attainment of age 65 (or the month of entitlement to Part A if later) through the month in which the individual attains age 70.

Issue: Whether medicare benefits would be secondary even if the employer health plan states that its benefits are secondary to medicare.

The legislative history of the medicare and ADEA amendments indicates that it was the intent of Congress that employer group health plans provide the primary coverage where individuals are dually entitled to benefits under an employer group health plan and under medicare. The Report of the Senate Committee on Finance that accompanied the Tax Equity and Fiscal Responsibility Act of 1982, H.R. 4961 (S. Rep. No. 97–494, July 12, 1982) explicity states the Congressional intent on page 17:

> Employers must offer these benefits as primary to benefits under medicare for employees (and their spouses) aged 65 and over, but under age 70.

Since the amendment to the Medicare law is clearly aimed at making Medicare secondary to employer group health plans, the provision would have little if any application or cost-saving effect if interpreted to mean that Medicare would continue paying primary benefits if the employer health plan provided benefits which only supplemented Medicare.

Senator Robert Dole, Chairman of the Senate Committee on Finance, remarked as follows regarding the ADEA provision (Congressional Record-Senate, August 19, 1982 at page 10902):

> • • • employers would be prevented from offering a health insurance plan or option designed to circumvent this provision by inducing employees to reject the coverage offered other employees—those under 65. The clear intent of this provision, however, is to continue to allow employers to offer limited coverage for those health care services wholly uncovered by Medicare: outpatient prescription drugs for example.

Since plans with benefits secondary to Medicare would circumvent the provision that Medicare be the secondary payer, employers would not be permitted to offer such plans as alternatives. Therefore, these regulations provide that Medicare will not pay primary benefits for otherwise covered services even though the employer plan states that its benefits are secondary to Medicare or otherwise excludes or limits its payment to Medicare beneficiaries.

Issue: To what employers does the amendment to section 1862(B) of the Social Security Act apply.

As amended by TEFRA, Section 1862(b) makes primary to Medicare any group health plan, as defined in section 162(i)(2) of the Internal Revenue Code, covering a Medicare beneficiary age 65 through 69 by reason of employment. No limitation is specified in the Act with respect to the type of employer. Accordingly, we conclude that the priority provisions apply to all employers, including the Federal government, entities that are not subject to the Federal Age Discrimination in Employment Act, and entities that are not subject to taxation under the Internal Revenue Code (since the Code definition of a group health plan is simply incorporated by reference).

Under the Federal Age Discrimination in Employment Act, as amended by TEFRA, all employers, as defined in that Act, are required to offer a group health plan to employees age 65 through 69 under the same conditions as younger employees. Under that Act, an employer is defined as a person employing 20 or more individuals. Smaller employers are therefore exempt from the TEFRA requirement to offer a group health plan to employees age 65 through 69. Such employers may, however, offer such a plan voluntarily.

One possible interpretation of section 1862(b) is that the group health plan of a small employer, if voluntarily offered to employees age 65 through 69, would be primary to Medicare. We have not adopted that interpretation, however, since the Senate Committee report on this provision seens clearly to reflect the intent not to apply the Medicare priority provisions to employers having fewer than 20 employees. (S. Rep. No. 97–494, 97th Cong., 2d Sess., Vol. 1 at pp. 16–17.) The regulations therefore exempt group health plans offered by employers with fewer than 20 employees.

VI. Provisions of the Regulations

We are adding new §§ 405.340 through 405.344 to Subpart C of Title 42, which addresses the Medicare exclusions. The new §405.340 will specify that the policies and procedures in §§ 405.341 through 405.344 apply to employed Medicare beneficiaries age 65 through 69 and their spouses age 65 through 69 who are covered under an employer group health plan where the employer has 20 or more employees. This section will define "employer group health plan" as a plan that is of, or contributed to by, an employer, and provides health care benefits directly or through other methods such as insurance or reimbursement to current or former employees or to current or former employees and members of their families. This is the definition contained in Section 162(i)(2) of the Internal Revenue Code and is incorporated into this amendment by statutory reference. This section will specify that "secondary" when used to refer to Medicare payments, means that Medicare payments can be made only to the extent that payment has not been made and cannot reasonably be expected to be made by one or more employer group health plans under which the Medicare beneficiary is covered. The term "age 65 through age 69" is defined to include the months of attainment of age 65 and age 70. This section defines "employer" as including, in addition to individuals and organizations engaged in trade or business, other entities exempt from income tax such as religious, charitable, and educational institutions, the governments of the United States, the individual States, the Territories, Puerto Rico, the Virgin Islands, Guam and the District of Columbia, and the agencies, instrumentalities and political subdivisions of these governments. HCFA may refer cases of apparent noncompliance with the ADEA to the EEOC.

A new § 405.341 provides that effective for services furnished in months after December 1982 Medicare benefits (under Parts A and B) are secondary to benefits payable under an employer group health plan during any month in which an individual who is entitled to Part A of Medicare is age 65 through age 69, and is not entitled and could not upon filing an application become entitled to Medicare on the basis of end stage renal disease and is either: (1) Employed and covered by an employer group health plan; or (2) the spouse age 65 through age 69 of such an individual who is covered by the individual's employer group health plan. Further, § 405.341 provides assurance that if an individual is not covered under an employer group health plan for any reason, including the individual's refusal to accept the plan offered by the employer, Medicare benefits remain primary. However, payment would not be made if the employer plan states that its benefits are secondary to Medicare's or otherwise excludes or limits its payments to Medicare beneficiaries.

A new § 405.342 repeats the methodology for computing the amounts of Medicare secondary payments contained in the legislation and gives examples. It also specifies that if Medicare pays secondary benefits, the beneficiary will be charged with utilization of Part A benefits only to the extent that Medicare paid for services; and provides that expenses which would serve to meet the beneficiary's Part A or Part B deductible if Medicare were primary payer, will be credited to the deductible even if they are reimbursed by the employer plan.

Section 405.343 specifies that a provider or facility, which is reimbursed by Medicare on a cost or cost-related basis, may not charge a beneficiary or any other party for Medicare covered services if the provider or facility has been paid by an employer plan an amount which equals or exceeds any applicable Medicare deductible or coinsurance amount. This provision precludes providers from collecting from beneficiaries any difference between the Medicare reasonable cost and the actual charges.

Last, § 405.344 permits the Medicare program to make conditional payments where the employer plan has denied benefits in whole or in part for any reason. If HCFA pays conditional benefits, it has the right to bring an action against the employer plan to recover those payments and the beneficiary must cooperate in the action.

In order to facilitate recovery of conditional Medicare payments, this section provides for recovery either directly from the insurer or through the claimant. Accordingly, if a claimant receives payment from an insurer for services for which Medicare paid, the claimant would be required to refund the Medicare payment. If for any reason payment is not made by the employer plan, HCFA may institute its own action against the insurer. At its discretion, HCFA could require a beneficiary who is to receive a conditional payment to authorize HCFA to pursue the beneficiary's rights if the beneficiary fails to do so.

VII. Impact Analysis

A. Executive Order 12291

Section 116(b) of Pub. L. 97–248, the Tax Equity and Fiscal Responsibility Act of 1982, makes Medicare payments secondary to benefits payable under an employer group health plan for services furnished to employed individuals and their spouses age 65 through 69. Based on these provisions, our actuary estimates savings to the Medicare program of $175 million in FY 1983 and $315 million in FY 1984. These estimates assume that Medicare will become the secondary payer for about 375,000 beneficiaries for whom Medicare is now the primary payer. Although this change will result in an annual economic effect of over $100 million, we have determined that the estimated effect is the result of section 116 and not of these

regulations, which merely implement the statutory provision. Therefore, a regulatory impact analysis is not required under Executive Order 12291.

B. Regulatory Flexibility Analysis

The Secretary certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this final rule will not result in a significant economic impact on a substantial number of small entities. Congress excluded certain small entities from the requirements of this amendment. Employers with fewer than 20 employees will not be affected by this amendment nor by these regulations.

We cannot determine the number of small entities with twenty or more employees that will be affected by this amendment. However, any impact would be a result of the statutory provisions and not of these regulations, which merely implement it. Therefore, a regulatory flexibility analysis is not required.

Waiver of Proposed Rulemaking and Prospective Effective Date

We are publishing these regulations in final form because the legislative provisions we are implementing are relatively detailed and precise and allow minimal discretion to the Secretary. We have identified the only issues that require clarification and have provided an explanation of our interpretation and why it is reasonable. Further, we are waiving notice and comment under the "good cause" provision of the Administrative Procedure Act (5 U.S.C. 551-553) because the lack of Secretarial discretion, when combined with potential cost savings to the Federal government, make it impractical to proceed with notice and comment.

We also find that the same considerations discussed above provide good cause to dispense with the usual 30-day delayed effective date. Therefore, this regulation is effective with respect to items and services furnished on or after January 1, 1983. However, we will accept any comments mailed within the specified period and will make any changes in the regulation we believe necessary as a result of the comments.

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if we publish changes in the regulations as a result of comments, we will respond to them in the preamble of that document.

VIII. List of Subjects in 42 CFR Part 405

Administrative practice and procedure, Certification of compliance, Clinics, Contracts (Agreements), End-Stage Renal Disease (ESRD), Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Health suppliers, Home health agencies, Hospitals, Inpatients, Kidney diseases, Laboratories, Medicare, Nursing homes, Onsite surveys, Outpatient providers, Reporting requirements, Rural areas, X-rays.

42 CFR Part 405, Subpart C is amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

1. The authority citation for Part 405, Subpart C, reads as follows:

Authority: Sec. 1102, 1842, 1862, 1870 and 1871 of the Social Security Act (42 U.S.C. 1302, 1395u, 1395y, 1395gg, and 1395hh).

2. The table of contents is amended to reflect the insertion of an undesignated centered heading and the addition of new §§ 405.340 through 405.344 as follows:

Subpart C—Exclusions, Recovery of Overpayment, Liability of a Certifying Officer and Suspension of Payment

* * * * *

Limitations on Payment for Services Furnished to Employed Aged and Their Spouses

Sec.

405.340 General Provisions

405.341 Medicare Benefits Secondary to Employer Group Health Plans—General rules.

405.342 Limits on Medicare Secondary Payment

405.343 Limitation on Right of Provider to Charge a Beneficary

405.344 Conditional Payment and Recovery of Payments

* * * * *

3. An undesignated center heading and new §§ 405.340 through 405.344 are added to read as follows:

Limitations on Payment for Services Furnished to Employed Aged and Their Spouses

§ 405.340 General Provisions.

(a) *Applicability.* The provisions of this section and of §§ 405.341 through 405.344 implement section 1862(b)(3) of the Social Security Act. They set forth policies and procedures for payment of benefits for services furnished to employed Medicare beneficiaries age 65 through 69 and their spouses age 65 through 69 who are covered under employer group health plans of employers which employ 20 or more employees. These provisions are applicable to services furnished on or after January 1, 1983.

(b) *Definitions.* For purposes of this section, and §§ 405.341 through 405.344, the following definitions apply—

(1) "Employer group health plan" or "employer plan" means any group health plan that—

(i) Is of, or contributed to by, an employer of 20 or more employees; and

(ii) Provides medical care, directly or through other methods such as insurance or reimbursement, to current or former employees, or to current or former employees and their families.

(2) "Secondary", when used to characterize Medicare payments, means that Medicare benefits are payable to the extent that payment has not been made or cannot reasonably be expected to be made by one or more employer group health plans under which the Medicare beneficiary is covered.

(3) "Age 65 through 69" means a period beginning with the first day of the month in which an individual attains age 65 and ending with the last day of the month in which the individual attains age 70. An individual attains a particular age on the day preceding his or her birthday.

(4) "Employer" means, in addition to individuals and organizations engaged in a trade or business, other entities exempt from income tax such as religious, charitable, and educational institutions, the governments of the United States, the individual States, the Territories, Puerto Rico, the Virgin Islands, Guam and the District of Columbia, and the agencies, instrumentalities and political subdivisions of these governments.

(c) *Referral of cases to Equal Employment Opportunity Commission (EEOC).*

HCFA will refer cases of apparent noncompliance with the requirements of the ADEA to the EEOC.

§ 405.341 Medicare Benefits Secondary to Employer Group Health Plans—General rules.

(a) Effective for services furnished in months after December 1982, Medicare benefits (Parts A and B) are secondary to benefits payable by an employer group health plan for any month in which an individual age 65 through 69:

(1) Is entitled to Part A of Medicare; and

(2) Is not entitled (and could not upon filing an application become entiled) to Medicare on the basis of end-stage renal disease as provided in § 405.104; and

(3) Is either

(i) Employed and covered by reason of such employment by an employer group health plan that meets the definition in § 405.340(b)(1); or

(ii) The spouse age 65 through 69 of such an employed individual who is covered by reason of that individual's employment by an employer group health plan. The spouse may be entitled to Part A of Medicare on the basis of the employed individual's social security record or the spouse's own social security record.

(b) Medicare will pay primary benefits for Medicare covered services, if an individual is not covered under an employer group health plan for any reason, including refusal to accept the plan offered by the employer.

(c) Where the conditions specified in paragraph (a) of this section are met, Medicare will:

(1) Not pay primary benefits for otherwise covered services even though the employer plan states that its benefits are secondary to Medicare's or otherwise excludes or limits its payments to Medicare beneficiaries.

(2) Pay primary benefits for Medicare covered services that are not covered by the employer plan; and

(3) Make secondary payments under Parts A and B of Medicare within the limits specified in § 405.342 to supplement the primary benefits paid by the employer plan if that plan pays only a portion of the charge for the services.

§ 405.342 Limits on Medicare Secondary Payment.

(a) *Services reimbursed by Medicare on a reasonable charge basis.* The Medicare secondary payment will be the lowest of the following:

(1) The actual charge by the supplier minus the amount paid by the employer plan.

(2) The amount that Medicare would pay if the services were not covered by the employer plan.

(3) The higher of the Medicare reasonable charge or other amount which would be payable under Medicare (without regard to any applicable Medicare deductible or co-insurance amounts) or the employer plan's allowable charge (without regard to any deductible or co-insurance imposed by the plan) minus the amount actually paid by the employer plan.

(4) If the claim is filed under an assignment, the Medicare reasonable charge, minus the amount paid by the employer plan. (If the beneficiary does not assign the claim but files for direct payment, this limit does not apply.)

Example: An individual received treatment from a physician for which the physician charged $175. As primary payer, an employer plan allowed $150 of the charge and paid 80 percent of this amount or $120. The Medicare reasonable charge for this treatment is $125. The individual's Part B deductible had been met. As secondary payer, Medicare pays the lowest of the following amounts:

(a) Excess of actual charge minus the employer plan's payment: $175 − 120 = $55.

(b) Amount Medicare would pay if the services were not covered by employer plan: .80 × $125 = $100.

(c) Employer plan's allowable charge without regard to coinsurance imposed by the employer plan (since that amount is higher than the Medicare reasonable charge in this case) minus amount paid by employer plan: $150 − 120 = $30.

(d) If the physician accepted Medicare assignment, the Medicare reasonable charge minus the amount paid by employer plan: $125 − 120 = $5. (This limit does not apply if the claim is not assigned.)

(b) *Services reimbursed by Medicare on a reasonable cost or other cost related basis.* The Medicare secondary payment will be the lesser of—

(1) The Provider's reasonable cost or cost-related rate (or, if lower, the customary charge) or the amount determined under Section 1886(b) of the Social Security Act minus any applicable Medicare deductible or coinsurance amounts; or

(2) The provider's reasonable cost or cost-related rate (or, if lower, the customary charge) or the amount determined under section 1886(b) of the Social Security Act, minus the amount paid by the employer plan.

Example: (1) A hospital furnished 7 days of inpatient hospital care in 1983 to a Medicare beneficiary whose employer group health plan was primary payer. The provider's charges for Medicare covered services totalled $2200. The employer plan paid $1760. No part of the Medicare inpatient hospital deductible of $304 had been met. Medicare reimburses this hospital on a reasonable cost basis, and pays individual claims on the basis of the estimated reasonable cost, in this case $2100. Medicare uses the estimated reasonable cost in calculating the secondary payment at the time it processes the bill. However, the final Medicare payment amount for all services furnished by the provider is determined at the end-of-year cost settlement.

As secondary payer, Medicare pays the lower of the following amounts:

(a) The hospital's estimated reasonable cost minus the Medicare inpatient hospital deductible: $2100–304 = $1796.

(b) The hospital's estimated reasonable cost minus the employer plan's payment: $2100–1760 = $340. The $304 deductible was satisfied by the employer plan so that the beneficiary incurred no out of pocket costs.

Thus, when Medicare is secondary, the hospital payment made by both the employer and Medicare on behalf of the employee is $2100. For this example, if the employee had rejected the employer plan, resulting in Medicare becoming the primary plan, the hospital payment made on behalf of the employee would be $1,796.

Example: (2) A hospital furnished 1 day of inpatient hospital care in 1983 to a Medicare beneficiary whose employer group health plan was primary payer. The provider's charges for Medicare covered services totalled $750. The employer plan paid $250. No part of the Medicare inpatient hospital deductible had been met previously, but the employer plan's payment is credited toward that deductible. Medicare's estimated reasonable cost (see Example 1 above) is $650 in this case.

As secondary payer, Medicare pays the lower of the following amounts:

(a) The hospital's estimated reasonable cost minus the Medicare deductible: $650–304 = $346.

(b) The hospital's estimated reasonable cost minus the employer plan's payment: $650–250 = $400.

The hospital may bill the beneficiary the $54 in unreimbursed hospital costs. ($650 minus the $250 employer plan payment and minus the $346 Medicare payment = $54.) This fully discharges the beneficiary's deductible obligation.

Thus, when Medicare is the secondary payer, the hospital payment made by both the employer plan and Medicare on behalf of the employee is $596. For this example, if the employee had rejected the employer plan, resulting in Medicare becoming the primary plan, the hospital payment made on behalf of the employee would be $346.

(c) *Effect of secondary payments on Part A utilization.* If Medicare pays secondary benefits, the beneficiary will be charged with utilization of Medicare benefits only to the extent that Medicare paid for the services.

(d) *Crediting expenses toward deductibles.* Expenses that would serve to meet the beneficiary's Part A or Part B deductibles if Medicare were primary payer, will be credited to the deductibles even if the expenses are reimbursed by the employer group health plan.

§ 405.343 Limitation on Right of Provider to Charge a Beneficiary.

A provider of services or any other facility which is reimbursed by Medicare on a cost-related basis may not charge a beneficiary or any other party for Medicare covered services, except as provided in § 405.461, if the provider or facility has been paid by an employer plan an amount which equals or exceeds any applicable Medicare deductible or coinsurance amount.

§ 405.344 Conditional Payment and Recovery of Payments.

(a) Where the conditions specified in § 405.341(a) are met, conditional Medicare payment may be made when the claimant (beneficiary, provider, or supplier) has filed a claim under the employer plan, but the claim is denied in

whole or in part by the employer plan for any reason.

(b) If a conditional Medicare payment is made, the following rules apply:

(1) The claimant must reimburse Medicare up to the amount it paid if the claimant subsequently receives payment from the employer plan.

(2) If, for any reason, payment is not received from the plan, HCFA may—

(i) Bring an action against the employer or the plan as appropriate, and the beneficiary must cooperate in HCFA's action; and

(ii) Refer the case to the EEOC in accordance with section 405.340(c).

(c) HCFA may, as a prerequisite for the conditional payment, require the beneficiary to authorize it to pursue the beneficiary's rights against the employer or the plan if the beneficiary does not, and to promise to cooperate in HCFA's action.

(d) HCFA may waive recovery action if the probability of recovery or the amount involved does not warrant pursuit of the claim.

(Catalog of Federal Domestic Assistance Program No. 13.733, Medicare-Hospital Insurance; and No. 13.774, Medicare-Supplementary Medical Insurance)

Dated: December 2, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: December 23, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 83-9244 Filed 4-7-83; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6367

[NM-55270]

New Mexico; Public Land Order No. 6363; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will correct an error in the Heading, Summary and Supplementary paragraphs of Public Land Order No. 6363 of January 15, 1983, which cites Caddo and Delaware Tribes instead of the Wichita and Affiliated Bands of Indians (Caddo Indian Tribe of Oklahoma and Delaware Tribe of Western Oklahoma).

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Delores L. Vigil, New Mexico State Office 801-524-4245.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is hereby ordered as follows:

Public Land Order No. 6363 of January 15, 1983, in **Federal Register** Vol. 48, No. 49 appearing at page 10319 in the issue of March 11, 1983, is corrected as follows:

The Heading, Summary and Supplementary paragraphs which read "Caddo and Delaware Tribes; Oklahoma" is hereby corrected to read "The Wichita and Affiliated Bands of Indians (Caddo Indian Tribe of Oklahoma and Delaware Tribe of Western Oklahoma)."

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East Temple, Salt Lake City, Utah 84111.

April 5, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-9730 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-6506]

Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are concurrently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Associate Director, State and Local Programs and Support reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fourth column of the table.

Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 65.4.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The change in base flood elevations and zone designations in the area known as New Orleans East, are as follows:

In the area generally bounded by Interstate 10 to the Northwest; Paris Road, the Maxent Levee north of Village de L'Est, and U.S. Route 90 to the Southwest and South; and the Maxent Lagoon Interim Levee to the East; locally known as New Orleans East, Drainage Area 1, Subbasin 1, the base flood elevation has been revised from 5.0 feet National Geodetic Vertical Datum (NGVD) to −0.8 foot NGVD, with a required storage volume of 4,063 acre-feet, and the zone designation has been revised from Zone A12 to Zone A1.

In the area generally bounded by U.S. Route 90 to the North, the New Orleans East Back Levee to the West and South, and the Maxent Lagoon Interim Levee to the East, locally known as New Orleans East, Drainage Area 1, Subbasin II, the base flood elevation has been revised from 5.0 feet NGVD to −0.7 foot NGVD, with a required storage volume of 1,604 acre-feet, and the zone designation has been revised from Zone A12 to Zone A1.

In the area generally bounded by the New Orleans East Lakefront Levee to the North, Paris Road is to the West, Interstate 10 to the South, and the New Orleans East Southpoint to Gulf Intracoastal Waterway Levee to the East, locally known as New Orleans East, Drainage Area 2, Subbasin VI, the base flood elevation has been revised from 6.5 feet NGVD to 2.4 feet NGVD with a required storage volume of 5,791 acre-feet, and the zone designation has been revised from Zone A11 to Zone A4.

In the area generally bounded by Interstate 10 to the North, the Maxent Lagoon Interim Levee to the West, U.S. Route 90 to the South, and the New Orleans East Southpoint Gulf Intracoastal Waterway Levee to the East, locally known as New Orleans East, Drainage Area 3, Subbasin VII, the base flood elevation has been revised from 5.0 feet NGVD to 2.4 feet NGVD with a required storage volume of 12,530 acre-feet, and the zone designation has been revised from Zone A9 to Zone A4.

In the area generally bounded by U.S. Route 90 to the North, the Maxent Lagoon Interim Levee to the West, the New Orleans East Back Levee to the South, and the New Orleans East Southpoint to Gulf Intracoastal Waterway Levee to the East, locally known as New Orleans East, Drainage Area 3, Subbasins VIII A and VIII B, the base flood elevation has been revised from 5.0 feet NGVD to 3.4 feet NGVD, with a required combined storage volume of 12,740 acre-feet, and the zone designation has been revised from Zone A9 to Zone A4.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	New community No.
Louisiana: Orleans Parish		*The Times Picayune*, Mar. 16, and Mar. 23, 1983.	Honorable Ernest N. Morial, City Hall, Room 9-W, 1300 Perdido Street, New Orleans, LA 70112.	Feb. 25, 1983, Letter of Map Revision	225203C.

(National Flood Insurance Act of 1968 [Title XIII, Housing and Urban Development Act of 1968], effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 23, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9710 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Glendale, Arizona, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule; Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Glendale, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Glendale, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 040045, Panels 0006C and 0007C, published on October 6, 1980, in 45 FR 66116, indicates that the existing structures located on Lots 275 through 281, Westree Unit 1, Phase 4, Glendale, Arizona, as recorded in Book 208, page 22 of records, in the Office of the Recorder, Maricopa County, Arizona, are located within the Special Flood Hazard Area.

Map No. 040045, Panels 0006C and 0007C are hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone B.

Pursuant to the Provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 18, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9728 Filed 4-13-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Mesa, Arizona, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Mesa, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Mesa, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 040048, Panel 0020B, published on October 6, 1980, in 45 FR 66116, indicates that the existing structures located on Lots 71 through 85 and 87 through 89 of Hohokam Trails Unit Two, being a 24.431-acre tract of land located in the Southwest Quarter of Section 11, Township 1 North, Range 5 East, Gila and Salt River Base and Meridian, Mesa, Arizona, and being a portion of the Deed recorded as Instrument No. 417006 in Docket 15721, pages 1155 and 1156, in the Office of the Recorder, Maricopa County, Arizona, are located within the Special Flood Hazard Area.

Map No. 040048, Panel 0020B is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 18, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9727 Filed 4-13-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Sacramento County, California, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Sacramento County, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Sacramento County, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes

the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 060262, Panel 0340B, published on October 6, 1980, in 45 FR 66118, indicates that any structures located on Lots 78 through 82, 83A, 83B, 84A, 84B, 85 through 93, 94A, 94B, 95, 96, 97A, 97B, 98 through 106, 107A, 107B, 108 through 111, Lot A, and portions of Lots B and C of Casa Grande South-Unit No. 2, Sacramento County, California, recorded in Book 148 of Maps, Map No. 8, as Recorder's Certificate No. 192442, in the Office of the Recorder of Sacramento County, California, are located within the Special Flood Hazard Area.

Map No. 060262, Panel 0340B is hereby corrected to reflect that any structures located on Lots 78 through 82, 83A, 83B, 84A, 84B, 85 through 93, 94A, 94B, 95, 96, 97A, 97B, 98 through 106, 107A, 107B, 108 through 111, and Lot A are not within the Special Flood Hazard Area identified on October 6, 1980. These structures would be in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Exective Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9725 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Pittsburg, California, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Pittsburg, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Pittsburg, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 060033, Panel 0004B, published on October 6, 1980, in 45 FR 66118, indicates that the existing structure located on that property located in the City of Pittsburg, recorded as Parcel D of the Parcel Map filed in Book 8 of Parcel Maps, at page 49, in the Office of the County Recorder of Contra Costa County, California, is located within the Special Flood Hazard Area.

Map No. 060033, Panel 0004B is hereby corrected to reflect that the existing structure located on the above-mentioned lot is not within the Special Flood Hazard Area identified on October 6, 1980. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9726 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6493]

Letter of Map Amendment for Nevada County, California, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Nevada County, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Nevada County, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 060210, Panel 0583B, published on February 17, 1983, in 48 FR 6985, indicates that the existing structures located on the proposed Penn Valley Plaza, located on a 2.2-acre± tract of land in the North half of the Southeast Quarter of Section 34, Township 16 North, Range 7 East, M.D.B.&M., Nevada County, California, and being Parcels One and Two of the Deed recorded as Instrument No. 23144, in Volume 1062, pages 9 through 11, in the Office of the Recorder, Nevada County, California, is located within the Special Flood Hazard Area.

Map No. 060210, Panel 0583B is hereby corrected to reflect that the proposed Buildings A through C are not within the Special Flood Hazard Area identified on February 17, 1983. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9722 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5906]

Letter of Map Amendment for City of Santa Clara, California Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Santa Clara, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Santa Clara, California, that cetain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquistion purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 060350, Panel 0003C, published on October 7, 1980, in 45 FR 66455, indicates that the existing structure located on Lot 41, "Tract No. 5057 Mission Glen", filed for record on May 9, 1972 in Book 300 of Maps, pages 48 and 49, Records of Santa Clara County, California, is located within the Special Flood Hazard Area.

Map No. 060350, Panel 0003C is hereby corrected to reflect that the existing structure located on the above-mentioned lot is not within the Special

Flood Hazard Area identified on October 7, 1980. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 18, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9724 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA-5909]

44 CFR Part 70

Letter of Map Amendment for Unincorporated Areas of Hillsborough County, Florida, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Hillsborough County, Florida. It has been determined by the Association Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Hillsborough County, Florida, that a certain structure is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject structure is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda Maryland 20034, Phone Toll Free (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number 120112, Panel 0205B, published on October 6, 1980 in 45 FR 66059, indicates that Lot 49, Block 5, Unit No. 2 of Avila Subdivision, Hillsborough County, Florida, as recorded in Plat Book 50, Page 22 of the Public Records of Hillsborough County, Florida is located within the Special Flood Hazard Area.

Map Number 120112, Panel 0205B is hereby corrected to reflect that the existing structure located on Lot 49, Block 5, of the above-mentioned property is not within the Special Flood Hazard Area identified on June 18, 1980. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9721 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5833]

Letter of Map Amendment for City of Minnetonka, Minnesota, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Minnetonka, Minnesota. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Minnetonka, Minnesota, that certain property is within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is within the Special Flood Hazard Area, adds the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that

no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map number 270173, Panel 0004B, published on December 22, 1980, in 45 FR 84066, indicates that Lots 3 through 6 in Block 1 of the property known as Minnetonka Woods Townhomes, located in Section 29, Township 117, Range 22, Minnetonka, Hennepin County, Minnesota, recorded as 381, Document Number 1483467, Page 621089, in the Office of Registrar of Titles, Hennepin County, Minnesota is not located within the Special Flood Hazard Area.

Map Number 270173, Panel 0004B, is hereby corrected to reflect that the above-mentioned property is located within the Special Flood Hazard Area identified on May 19, 1981.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a subtantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 18, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9723 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Sikeston, Missouri, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule; Map Correction

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Sikeston, Missouri. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Sikeston, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition Federal of Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638–6620

The map amendments listed below are in accordance with § 70.7(a):

Map Number 295270B, Panel H&I—04, published on October 6, 1980 in 45 FR 66016, indicates that Block 1, consisting of Lots 1 through 10; Block 2, consisting of Lots 1 through 6; Block 3, consisting of Lots 1 through 20; Block 4, consisting of Lots 1 through 10; Block 5, consisting of Lots 1 through 18; and Block 6, consisting of Lots 1 through 4, of a 21.22 acre tract known as Cole's Subdivision to the City of Sikeston, Missouri, as recorded in Plat Book 14, Page 1, in the Office of Recorder, Scott County, Missouri, are located within the Special Flood Hazard Area.

Map Number 295270B, Panel H&I–04 is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on April 29, 1977. These lots, and the existing structures located on them, are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605 (b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9719 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5952]

Letter of Map Amendment for Town of Henrietta, New York, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule; Map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included

the Town of Henrietta, New York. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Henrietta, New York, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for the property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 15, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20272, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 360419, Panel Number 0005C, published on December 15, 1980, in FR Volume 45 No. 242, page 82260, indicates that Lot 4, Township 12, Range 7, as described in Deed Book Libers 4666 and 4359, pages 220 and 281, of the Monroe County Clerk's office, is located within the Special Flood Hazard Area.

Map Number FIRM 360419, Panel Number 0005C, is hereby corrected to reflect that existing structure located at 1387 Brighton-Henrietta Town Line Road of the above-mentioned property is not within the Special Flood Hazard Area identified on November 5, 1980. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9718 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA-5923]

44 CFR Part 70

Letter of Map Amendment for City of Las Vegas, Nevada, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying special Flood Hazard Areas have been published. This list included the City of Las Vegas, Nevada. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Las Vegas, Nevada, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20817, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with 70.7(a):

Map No. 325276, Panel 0025B, published on October 21, 1980, in 45 FR 69451, indicates that the existing structures located on Lots 21 through 28, Block 1, and Lots 13 through 18, Block 2, of The Village at Washington, Las Vegas, Nevada, recorded as Document No. 1530678 in Book 28, page 9 of Plats, Book No. 1571 of Official Records, in the Office of the Recorder, Clark County, Nevada, are located within the Special Flood Hazard Area.

Map No. 325276, Panel 0025B is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 21, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C 4001–4128; Executive Order 12127, 44

FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 18, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-8720 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5923]

Letter of Map Amendment for City of Las Vegas, Nevada, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Las Vegas, Nevada. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Las Vegas, Nevada, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction of acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 325276, Panel 0020B, published on October 21, 1980, in 45 FR 69451, indicates that any structures located on Lots 10 through 14 of Block 1 and Lots 1 through 34 of Block 2 in the Fox Hills Subdivision, recorded as Grant Deed Numbers 136560 and 510714, in Official Records Book Numbers 167 and 542, respectively, in the Office of the Recorder of Clark County, Nevada, are located within the Special Flood Hazard Area.

Map No. 325276, Panel 0020B is hereby corrected to reflect that any structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 21, 1980. These structures would be in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-8717 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Borough of Briar Creek, Pennsylvania, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Borough of Briar Creek, Pennsylvania. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Briar Creek, Pennsylvania, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 6, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 420340, Panel Number 0005B, published on October 6, 1980, in FR Volume 45 No. 195, page 66040, indicates that the property described in Deed Book Volume 164, page 86, Deed Book Volume 167, page 354, and Deed Book Volume 287, page 13, is located within the Special Flood Hazard Area.

Map Number FIRM 420340, Panel Number 0005B, is hereby corrected to reflect that the following structures of the above-mentioned property are not

within the Special Flood Hazard Area identified on August 15, 1979.

1. The brick residence located on the property described in Deed Book Volume 287, page 13.

2. The two and one-half story frame dwelling, the frame storage building and greenhouses 1, 2, 3, 6–13. All of the above structures are located on the property described in Deed Book Volume 164, page 86, and Deed Book Volume 167, page 354.

These structures are in Zone B and are illustrated on the drawing entitled "Plan Showing Area to be Removed from Floodway Fringe," as prepared by Charles B. Webb, P.E.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9715 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Tulsa, Tulsa, Osage, and Rogers Counties, Oklahoma; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Tulsa, Osage, and Rogers Counties, Oklahoma. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Tulsa, Osage, and Rogers Counties, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 6, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 405381, Panel Numbers 0090E and 0095E, published on October 6, 1982, in FR Volume 45, No. 195, page 66095, indicates that the subdivision of Woodland Glen Fourth, as recorded in Plat Number 4221 of the City of Tulsa, Tulsa, Osage, and Rogers Counties, Oklahoma, is located within the Special Flood Hazard Area.

Map Number FIRM 405381, Panel Numbers 0090E and 0095E, are hereby corrected to reflect that existing structures located on Lot 1, Block 1; and Lot 2, Lots 9 through 14, Lots 18 through 20, Lot 22, Lot 23, Block 12 of the above-mentioned property are not within the Special Flood Hazard Area identified on October 15, 1982. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, is promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9716 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6480]

Letter of Map Amendment for City of Memphis, Tennessee, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Memphis, Tennessee. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Memphis, Tennessee, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number 470177, Panel 0060B, published on January 7, 1983, in 48 FR 795, indicates that Lots 53 and 54, and Lots 77 through 114 of the property known as Phase II, Greenlodge Townhomes, City of Memphis, Shelby County, Tennessee, as recorded in Plat Book 83, Page 14, in the Office of the Register of Deeds of Shelby County, Tennessee, are located within the Special Flood Hazard Area.

Map Number 470177, Panel 0060B is hereby corrected to reflect that Lots 53 and 54, Lots 77 through 99, and Lots 110 through 114 of the above-mentioned property are not within the Special Flood Hazard Area indentified on December 1, 1982. Lots 53 and 54, Lots 77 through 96, and Lots 110 through 114 are located in Zone C. Lots 97, 98 and 99 are located partially in Zone B and in Zone C.

Map Number 407177, Panel 0060B is also corrected to reflect that the existing structures located on Lots 100 through 109 of the above-mentioned property are not within the Special Flood Hazard Area identified on December 1, 1982. These structures are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9713 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA–6173]

Letter of Map Amendment for City of Austin, Texas, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Austin, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Austin, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 26, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premiun paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 480624, Panel Number 0065B, published on October 26, 1981, in FR Volume 46 No. 206, page 52113, indicates that Lot 6, Block A and Lots 27–30, Block B, Lakewood Subdivision, City of Austin, Texas, as described in Deed Book Volume 4373, page 384, of the Land Records for the City of Austin, Texas, are located within the Special Flood Hazard Area.

Map Number FIRM 480624, Panel Number 0065B, is hereby corrected to reflect that existing structures located at the above-mentioned properties are not within the Special Flood Hazard Area identified on September 2, 1981. These structures are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9714 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Bedford, Texas, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Bedford, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Bedford, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 18, 1977.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM H&I 480585, Panel Number 0001A, published on October 6, 1980, in FR Volume 45 No. 195, page 66097, indicates that Lots 1-4, Block G, Woodfield Addition, as described in Deed Book Volume 388, page 50, of the Land Records for Tarrant County, Texas, are located within the Special Flood Hazard Area.

Map Number FIRM H&I 480585, Panel Number 0001A, is hereby corrected to reflect that existing structures located at Lots 1-4, Block G, Woodfield Addition, of the above-mentioned properties are not within the Special Flood Hazard Area identified on July 18, 1977. These structures are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 14, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9711 Filed 4-12-83 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Unincorporated Area of Ozaukee County, Wisconsin, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list includes Ozaukee County, Wisconsin. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Ozaukee County, Wisconsin, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638-6620.

The map amendment listed below are in accordance with § 70.7(a):

Map Number 550310, Panel 0025C, published on October 6, 1980, in 45 FR 66089, indicates that Lot 1 and Lot 2, Block 11 of Foster's Third Plat, Ozaukee County, Wisconsin, recorded as Document No. 308248, Record Volume 429, Page 723, and in Deed Volume 13, Pages 163 and 164, in the Office of the Register of Deeds, Ozaukee County, Wisconsin are located within the Special Flood Hazard Area.

Map Number 550310, Panel 0025C is hereby corrected to reflect that Lot 1 and Lot 2 of the above-mentioned property are not within the Special

Flood Hazard Area identified on May 16, 1977. These lots are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: March 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-9712 Filed 4-12-83 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 48, No. 72
Wednesday, April 13, 1983

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

U.S. Types 11-14, Flue-Cured Tobacco Official Standard Grades

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: It is proposed that the Official Standard Grades for Flue-Cured Tobacco, U.S. Types 11–14, grown in the States of Virginia, North Carolina, South Carolina, Georgia, and Florida, be amended to: (1) Delete certain grades determined to be no longer necessary; (2) add certain grades which will more accurately describe tobacco as it is presently prepared for market; and (3) combine certain color factors to reflect noticeable deviations from colors contained in the current official standards. These revisions, based on recommendations from various segments of the flue-cured industry and the Department's continuous review and evaluation of the current grade standards, are proposed to more accurately describe tobacco as it is presently prepared for market.

DATE: Written comments must be received by May 16, 1983.

ADDRESSES: Send written comments to Lioniel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Room 502 Annex Building, Washington, D.C. 20250. Comments will be available for public inspection at this location during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lioniel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250. (202) 447–2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department is considering a modification of the Official Standard Grades for Flue-Cured Tobacco, U.S. Types 11–14, pursuant to authority contained in the Tobacco Inspection Act of 1935, as amended (49 Stat. 731; 7 U.S.C. 511 *et seq.*). Previous revisions or modifications to the standard grades for flue-cured tobacco were made in 1956, 1958, 1959, 1963, 1968, 1976, 1977, and 1982.

Representatives of all segments of the tobacco industry recommended to the Department modifications of current flue-cured standards to incorporate descriptive factors to accommodate the grading of qualities of tobacco which have surfaced on the auction market in the last few seasons.

In 1978, the Department amended the tobacco price support regulations by changing the planted acreage limitation prescribed as a condition of price support eligibility for flue-cured tobacco producers. This amendment, popularly referred to as the Four Leaf Program, increased the acreage limitation by 10 percent for producers who agree not to harvest the 4 lower-stalk leaves. This program has enabled producers to increase their production of upper stalk tobacco by discarding the lower-stalk tobacco which consists of primings and lugs. However, by removing the 4 lower-stalk leaves, the remaining lower leaves (cutters) bend downward and come in contact with the soil. These leaves usually ripen prematurely, are flimsy and have a pale color intensity, thereby, taking on characteristics of the primings group. Producers participating in the Four Leaf Program have voiced dissatisfaction at receiving on their first marketing a primings grade on the cutters. Producers have emphasized that the primary reason for removing the 4 bottom leaves is to rid the plant of the primings. The current standards prevent lower-stalk cutter marketings from being graded in any group other than primings.

Therefore, the Department proposes to establish grades C5LP and C5FP in an effort to provide factors to describe the prematurely ripe and pale-colored tobacco from the cutters group which have taken on the characteristics of the primings group.

Extremely wet weather conditions persisted during the 1982 marketing season. When heavy rains occur during early growth, the root system of the tobacco plant does not attain deep soil penetration necessary for plant development. Sufficient water at ground level results in the root system remaining relatively close to the top of the ground. This lack of proper root development causes the leaf to be thin. Excessive rainfall then leaches the oil out of the leaf, and a whitish-lemon color is produced in the lugs and cutters groups. When this situation exists, the Department is faced with the problem of describing an underdeveloped, colorless leaf for which no specific grade standard applies under the present standards.

The Department proposes to establish grades X4LL for the lugs, and C4LL for the cutters to more accurately describe the whitish-lemon color produced during wet growing seasons. The color-combination of "whitish-lemon (LL)" is proposed as a new definition in the regulations.

Numerous problems are encountered by federal inspectors in describing old crop tobacco which has been stored on the farm and is carried over for sale from previous crop years. While the tobacco is in storage, its moisture content fluctuates with changes in the percentage of relative humidity. During this process of absorbing and dissipating moisture, the color becomes darker than the normal colors defined in the current standards.

The Department proposes to establish grades B4DK, B5DK, and B6DK to more accurately describe the darker colors of tobacco both from previous crop years and that tobacco which has been marketed over the past few years. The color "dark red variegated (DK)" is proposed as a new definition to the regulations.

Currently, X3S is the only standard grade describing slick tobacco in the lugs group. Studies and observations at various market sites have shown that the composition of marketings contains a considerable amount of tobacco that is of lower quality than the X3S and could be described more accurately as 4th quality slick lugs. Therefore, a new grade X4S is proposed to be established to describe 4th quality slick lugs.

Current standards describe variegated lemon tobacco but provide no grade to describe the variegated orange side in the cutters group. This color has become more distinct in recent years and the Department proposes to establish the grade C4KF to more accurately describe this variegated orange color found primarily in the cutters group.

The Department further proposes that grades B4R, H1F, H2F, M4F, M5F, M4KR, M4KM, M5KM, M4GK, and M5GK, be deleted. The grades, H1F, M4F, M4KR, and M5GK, were not marketed at all in 1982. In those remaining grades proposed for deletion—B4R, H2F, M5F, M4KM, M5KM, and M4GK—an average of less than one-hundredths of one percent was marketed in 1982. Therefore, the proposal to delete said grades is based on the fact that the volume of tobacco classified in these grades has diminished to the extent that retention of these grades is clearly unwarranted.

This proposed rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512-1 and has been determined to be a "nonmajor" rule because it does not meet any of the criteria established for major rules under the executive order. Initial reviews of the regulations contained in 7 CFR Part 29, for need, currency, clarity, and effectiveness has been completed.

Additionally, in conformance with the provisions of Pub. L. 96-354, Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Tobacco warehousemen and producers fall within the confines of "small business" as defined in the Regulatory Flexibility Act. A number of firms which are affected by these adopted regulations do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will have no adverse economic impact upon all entities, small or large, and will in no way affect the normal competition in the market place.

William T. Manley, Acting Director, Tobacco Division, Agricultural Marketing Service, has determined that an emergency situation exists which warrants less than a 60-day comment period on this proposal because all segments of the industry must be informed of any changes affecting the marketing process prior to the opening of the marketing season. Therefore, a 30-day comment period will be provided on this proposal.

List of Subjects in 7 CFR Part 29

Administrative practices and procedure, Tobacco.

PART 29—TOBACCO INSPECTION

Accordingly, the Department hereby proposes to amend the regulations under the Tobacco Inspection Act contained in 7 CFR Part 29, Subpart C, as follows:

1. Section 29.1007 is revised to read as follows:

§ 29.1007 Color symbols.

As applied to flue-cured tobacco, color symbols are L—lemon, F—orange, FR—orange red, R—red, V—greenish, K—variegated, KR—variegated red or scorched, G—green, GR—green red, GK—green variegated (may be scorched), GG—gray green, KL—variegated lemon, KF—variegated orange, KV—variegated greenish, KM—variegated (scorched) mixed, DK—dark red variegated, and LL—whitish-lemon.

2. Section 29.1008 is revised to read as follows:

§ 29.1008 Combination symbols.

A color or group symbol used with another symbol to form the third factor of a grademark to denote a particular side or characteristic of the tobacco. As applied to flue-cured tobacco, the combination symbols are XL—lug side, PO—oxidized primings, XO—oxidized lugs or cutters, BO—oxidized leaf or smoking leaf, GL—thin-bodied nondescript, GF—medium-bodied nondescript, LP—lemon (primings side), and FP—orange (primings side).

§ 29.1025 [Amended]

3. Section 29.1025 is amended to remove from therein the words, "Mixed (M)."

§ 29.1034 [Removed]

4. Section 29.1034, Mixed group (M), is removed in its entirety.

§§ 29.1013 through 29.1033 [Redesignated as §§ 29.1014 through 29.1034]

5. Current §§ 29.1013 through 29.1033 are redesignated as §§ 29.1014 through 29.1034, respectively, to maintain alphabetical sequence.

6. Section 29.1013 is added to read as follows:

§ 29.1013 Dark red variegated (DK).

A dark brownish-red discoloration which usually results from excessive sunbaking during the growing process or from storing cured tobacco over extended periods of time. Any leaf of which 20 percent or more of its surface is dark brownish-red may be described as dark red variegated.

§ 29.1079 [Redesignated as § 29.1080]

7. Current § 29.1079 is redesignated as § 29.1080 to maintain alphabetical sequence of the definitions contained in 7 CFR Part 29.

8. A new § 29.1079 is added to read as follows:

§ 29.1079 Whitish-lemon (LL).

A whitish-yellow color which usually results during wet growing seasons when rain leaches or washes out the yellow color from the leaf. Any leaf of which 20 percent or more of its leaf surface has whitish-yellow color may be described as whitish-lemon.

§ 29.1121

[Amended]

9. Amend § 29.1121 by including the word ' "DK," ' after ' "KF." ' Amended § 29.1121 should read " . . . the color symbol "K," "KL," "KF," "DK," or "KV."

§ 29.1162 [Amended]

10. Section 29.1162 Leaf (B Group) is amended by removing the part entitled "B4R—Fair Quality Red Leaf" and the paragraph directly thereunder.

§ 29.1162 is further amended to add three new grades following the paragraph under the heading "B6KF—Poor Quality Variegated Orange Leaf" to read as follows:

B4DK—Fair Quality Dark Red Variegated Leaf

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5DK—Low Quality Dark Red Variegated Leaf

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6DK—Poor Quality Dark Red Variegated Leaf

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

§ 29.1163 [Amended]

11. § 29.1163 is amended by removing the heading "H1F—Choice Quality Orange Smoking Leaf," and the heading "H2F—Fine Quality Orange Smoking Leaf," and the paragraphs immediately thereunder.

12.a. Section 29.1164 is amended to add a new grade following the paragraph under the heading "C5F—Low Quality Orange Cutters," to read as follows:

C4LL—Fair Quality Whitish-Lemon Cutters

Ripe, open leaf structure, thin, lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance, 20 percent, of which not over 5 percent may be waste.

b. Section 29.1164 is further amended to add a new grade following the paragraph under the heading "C4KL—Fair Quality Variegated Lemon Cutters" to read as follows:

C4KF—Fair Quality Variegated Orange Cutters

Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

c. Section 29.1164 is further amended to add two new grades following the paragraph under the heading "C4GK—Fair Quality Green Variegated Cutters" to read as follows:

C5LP—Low Quality Lemon Cutters (Primings Side)

Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

C5FP—Low Quality Orange Cutters (Primings Side)

Prematurely ripe, open leaf structue, medium body, lean in oil, pale color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

13.a. Section 29.1165 Lugs (X Group) is amended to add a new grade following the paragraph under the heading "X5F—Low Quality Orange Lugs," to read as follows:

X4LL—Fair Quality Whitish-Lemon Lugs

Ripe, open leaf structure, thin, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

b. Section 29.1165 is further amended to add a new grade following the paragraph under the heading "X3S—Good Quality Slick Lugs," to read as follows:

X4S—Fair Quality Slick Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

§ 29.1167 [Removed and reserved]

14. Section 29.1167 is removed in its entirety and noted as "[Reserved]."

15. Section 29.1181 is amended to reflect the above-proposed additions and removals. For purposes of clarity, the entire section has been reprinted and is to be considered revised, as follows:

§ 29.1181 Summary of standard grades.

2 Grades of Wrappers

A1L	A1F

23 Grades of Leaf

B1L	B1F	B1FR		
B2L	B2F	B2FR		
B3L	B3F	B3FR		B3K
B4L	B4F	B4FR		B4K
B5L	B5F	B5FR	B5R	B5K
B6L	B6F	B6FR		B6K

14 Grades of Smoking Leaf

H3L	H3F		
H4L	H4F	H4FR	H4K
H5L	H5F	H5FR	H5K
H6L	H6F	H6FR	H6K

10 Grades of Cutters

C1L	C1F
C2L	C2F
C3L	C3F
C4L	C4F
C5L	C5F

10 Grades of Lugs

X1L	X1F
X2L	X2F
X3L	X3F
X4L	X4F
X5L	X5F

8 Grades of Primings

P2L	P2F
P3L	P3F
P4L	P4F
P5L	P5F

6 Grades of Greenish

B3V		X3V
B4V	C4V	X4V
B5V		

19 Grades of Variegated

B3KL	B3KF								
B4KL	B4KF	B4DK	B4KV	C4KL	C4KF	X4KL	X4KF	X4KV	
B5KL	B5KF	B5DK	B5KV						
B6KL	B6KF	B6DK	B6KV						

15 Grades of Green

B4G		B4GK		C4G	C4GK	X4G	X4GK	P4G
B5G	B5GR	B5GK	B5GG			X5G		P5G
B6G		B6GK						

7 Grades of Variegated Mixed

B3KM		X3KM
B4KM	C4KM	X4KM
B5KM		
B6KM		

6 Grades of Variegated Red or Scorched

B3KR		X3KR
B4KR	C4KR	X4KR
B5KR		

6 Grades of Slick

B3S		X3S
B4S	C4S	X4S
B5S		

2 Grades of Whitish-Lemon

X4LL	C4LL

2 Grades of Cutters (Primings Side)

C5LP	C5FP

13 Grades of Nondescript

N1L	N1KV	N1GG
N1XL	N1GL	N1PO
N1K	N1GF	N1XO
N1R	N1GR	N1BO
		N2

1 Grade of Scrap

S

Special factors "U" (unsound) and "W" (doubtful-keeping order) may be applied to all grades. The special factors "dirt" or "sand" may be applied to any grade in the Primings group, including first qualtiy Nondescript from the Primings group. Tobacco not covered by the standard grades is designated "No-G," "No-G-F," or "No-G-Nested."

§ 29.1125 [Amended]

16. Section 29.1225 is amended as follows:

1. Paragraph under the heading "Groups": Remove the words "M–Mixed Group."

a. Paragraph under the heading "Color Symbols": Add at the end thereof the words "DK—Dark red variegated, LL—Whitish-lemon."

c. Paragraph under the heading "Combination Symbols": Add at the end thereof the words "LP—Lemon (primings side). FP—Orange (primings side)."

Dated: April 8, 1983.

C. W. McMillan,

Assistant Secretary Marketing and Inspection Services.

[FR Doc. 83-9653 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-02-M

Federal Crop Insurance Corporation

7 CFR Part 440

Texas Citrus Tree Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation herewith issues a new Part 400 in Title 7 of the Code of Federal Regulations to be known as the Texas

Citrus Tree Insurance Regulations (7 CFR Part 440). The intended effect of this rule is to issue regulations for the purpose of prescribing procedures for insuring citrus trees in certain counties in Texas, effective with the 1984 crop year.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than May 13, 1983, to be sure of consideration.

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

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

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

SUPPLEMENTARY INFORMATION: Information collection requirements contained in these regulations (7 CFR Part 440) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007. This action also constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1. The sunset review date established for these regulations is January 1, 1988.

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

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

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

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

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

Background

Under the authority of Section 508 of the Federal Crop Insurance Act, as amended (7 U.S.C. 1508), the Federal Crop Insurance Corporation proposes to offer citrus tree insurance in selected counties in South Texas on an experimental basis in response to growers requests for such insurance. The causes of loss insured against are: freeze, excess moisture, hail, fire, hurricane or tornado which damage or destroy citrus trees. The insurance will be applicable on insurable citrus trees of the following types: Type I, Early and Midseason Oranges; Type II, Late Oranges, including Temples; Type III, Grapefruit Trees, except Star Ruby Trees; and, Type IV, Star Ruby Grapefruit Trees.

Merritt W. Sprague, Manager, FCIC, has determined that good cause exists for publication of these regulations as a notice of proposed rulemaking with less than the normal 60-day period comment because these regulations are new for crop year 1984 and there are no present insureds to be affected by these regulations. According to the provisions of Section 16 of the Texas Citrus Tree insurance policy contained herein, these regulations, or any amendments thereto, shall be placed on file in the service office by May 1. Public comment on these proposed regulations are solicited for 30 days after the date of publication in the **Federal Register**. Any written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250. All written comments made pursuant to this proposed rule will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 440

Crop insurance, Texas citrus trees.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to issue a new Part 440 in Chapter IV of Title 7 of the Code of Federal Regulations effective for the 1984 and succeeding crop years, to be known as 7 CFR Part 440—Texas Citrus Tree Insurance, to read as follows:

PART 440—TEXAS CITRUS TREE INSURANCE REGULATIONS

Subpart: Regulations for the 1984 and Succeeding Crop Years

Sec.

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

§ 440.1 Availability of Texas citrus tree insurance.

Insurance shall be offered under the provisions of this subpart on citrus trees in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which citrus tree insurance will be offered.

§ 440.2 Premium rates, coverage levels, amounts of insurance, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, coverage levels, amounts of insurance, and prices at which indemnities shall be computed for citrus trees which shall be shown on the county actuarial table on file in the service office and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level, amounts of insurance, and price at which indemnities shall be computed from among those shown on the actuarial table for the crop year.

§ 440.3 [Reserved]

§ 440.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefits under the contract except as provided in the policy.

§ 440.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the Texas Citrus Tree Insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require that payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 440.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the citrus trees as provided in the policy. The contract shall consist of the application, the policy, the appendix, and the county acturial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the service office.

§ 440.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the citrus trees as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date for the county on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the service office in the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1984 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a citrus tree insurance contract issued under such prior regulations, without the filing of a new application.

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

DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

TEXAS CITRUS TREE CROP INSURANCE POLICY

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

AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

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

TERMS AND CONDITIONS

1. CAUSES OF LOSS.

a. The insurance provided is against unavoidable damage to citrus trees resulting from freeze, excess moisture, hail, fire, hurricane or tornado occurring within the insurance period, unless those causes are excepted, excluded, or limited by the actuarial table or section 9f.

b. We shall not insure against any cause of loss or damage, as determined by us, to the citrus trees due to:

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

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

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

2. CROP, ACREAGE, AND SHARE INSURED.

a. The crop insured shall be any of the following insurable citrus tree types (hereafter called trees) elected by you:

Type I, Early and Midseason Orange Trees;

Type II, Late Orange (including Temples) Trees;

Type III, Grapefruit Trees except Star Ruby Trees;

Type IV, Star Ruby Grapefruit Trees;

which are set out for the purpose of harvesting citrus as fresh fruit and/or juice and which are located on insured acreage, and for which we provided an amount of insurance and premium rate of the actuarial table.

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

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

d. We do not insure any acreage:

(1) For the crop year the application for insurance is filed until the acreage has been inspected by us and considered acceptable by us;

(2) Where grove management practices carried out are not in accordance with those practices for which premium rates have been established;

(3) Maintained or set out for experimental purposes; or

(4) In any established grove which we determine does not have the potential to produce at least 70% of the area average yield for the type and age. This provision may be waived by writtten agreement between you and us.

e. Where insurance is provided for an irrigated practice:

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

(2) Any loss of trees caused by failure to carry out a good tree irrigation practice, except failure of the water supply from an unavoidable cause occurring after insurance attaches for the crop year shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

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

g. We may (1) on any acreage which was not insured the previous crop year, exclude acreage from insurance, or (2) limit the amount of insurance.

3. REPORT OF ACREAGE, SHARE, NUMBER, TYPE, AGE OF TREES, AND PRACTICE.

You shall report on our form:

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

b. The practice;

c. Your share at the time insurance attaches; and

d. The type, number of trees, and

(1) Date of original set out; or

(2) Date of replacement and/or dehorning, if more than 10 percent of the trees on any unit have been replaced or dehorned in the previous five years; and

e. Within 72 hours; the acreage, type, number of trees, and the date set out is completed for any insurable acreage of trees set out after June 1 of the crop year, if you elect to insure such acreage during the crop year.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any trees located in the county. This report shall be submitted annually on or before the July 1 reporting date. We shall have the right to determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. COVERAGE LEVELS AND AMOUNTS OF INSURANCE.

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

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

c. The amount of insurance shall be reduced for any acreage which has not reached the fourth growing season after being set out or fifth year following dehorning by multiplying the amount of insurance by:

(1) 25 percent the year of set out or the year following dehorning;

(2) 40 percent the first growing season after being set out or the second year following dehorning;

(3) 60 percent the second growing season after being set out or the third year following dehorning; or

(4) 75 percent the third growing season after being set out or the fourth year following dehorning.

d. The amount of insurance shall be reduced proportionately for any unit on which the stand is less than 90 percent, of the original planting pattern.

5. ANNUAL PREMIUM.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the amount of insurance per acre times the premium rate, times the insured acreage, times your share at the time insurance attaches.

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

6. DEDUCTIONS FOR DEBT.

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

7. INSURANCE PERIOD.

a. Insurance attaches on insured acreage on June 1 for each crop year except that for the first crop year and notwithstanding section 2d(1):

(1) If the application is accepted by us after June 1, the insurance against hurricane and freeze shall attach the tenth day after the application is executed by you; and

(2) If any insurable acreage is set out after June 1, insurance shall attach on the date set out is completed for the unit if the acreage is reported within 72 hours after the date of completion; except insurance against hurricane and freeze shall attach the tenth day after you report such acreage.

b. The insurance period ends at the earlier of:

(1) May 31 of the following year; or

(2) The total destruction of the insured trees.

8. NOTICE OF DAMAGE OR LOSS.

a. In case of damage or probable loss:

(1) You must give us written notice of:

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

(b) The cause(s) of damage.

b. You must not claim an indemnity on any unit, unless we inspect all insured acreage and damaged trees before pruning, dehorning or replacement. We may grant a written waiver of this requirement.

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

9. CLAIM FOR INDEMNITY.

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

(1) Total destruction of the trees on the unit; or

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

b. We shall not pay any indemnity unless you:

(1) Furnish records concerning all trees on the unit;

(2) Establish that the damage to the trees was directly caused by one or more of the insured causes during the insurance period; and

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

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

(1) Multiplying the number of insured acres in the unit by the amount(s) of insurance;

(2) Multiplying this result by the applicable percent of loss. [The applicable percent of loss is determined by subtracting from the actual percent of damage determined by us in accordance with section 9e, the following applicable amount;

(a) 25 percent (for coverage level 3) and dividing the result by 75 percent;

(b) 35 percent (for coverage level 2) and dividing the result 65 percent; or

(c) 50 percent (for coverage level 1) and dividing the result by 50 percent); and

(3) Multiplying this result by your share.

d. If the information reported by you results in:

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

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

e. The total amount of indemnity shall be determined by us and shall include both tree damage and/or trees destroyed due to an insurable cause.

(1) The percent of damage to count for each tree, resulting from insurable cause shall be:

(a) Determined by dividing the number of scaffold limbs damaged by the total number scafford limbs before damage occurred, as determined by us. (A scafford limb is considered damaged if damage occurs in the area defined as a circle around the trunk of the tree with a radius equal to one-fourth (¼) of the height of the tree). Any tree with a percent of damage in excess of 80 percent shall be counted as 100 percent damaged; or

(b) During the crop year of set out as follows:

(i) 100 percent if the trees are killed back to the root stock;

(ii) 90 percent if less than 12 inches of wood above the bud union is alive; or

(iii) No damage shall be considered if more than 12 inches of wood above the bud union is alive.

(2) Any percentage of damage caused by uninsured causes, as determined by us, shall not be included in the percent of damage.

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

g. You shall not abandon any insured tree acreage to us.

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

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

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

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

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

(2) The amount determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of

loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by us.

10. CONCEALMENT OR FRAUD.

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

11. TRANSFER OF RIGHT TO INDEMNITY ON INSURED SHARE.

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

12. ASSIGNMENT OF INDEMNITY.

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

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

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

14. RECORDS AND ACCESS TO GROVE.

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

15. LIFE OF CONTRACT: CANCELLATION AND TERMINATION.

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

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

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

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

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

d. The cancellation and termination dates are May 31.

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

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

16. CONTRACT CHANGES.

We may change any terms and provisions of the contract from year to year. If your amount of insurance at which indemnities are computed is no longer offered, the actuarial table shall provide the amount of insurance which you shall be deemed to have elected. All contract changes shall be available at your service office by May 15 preceding the crop year for which they are to become effective.

Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. MEANING OF TERMS.

For the purposes of Texas citrus tree crop insurance:

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

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

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

d. "Crop year" means the period beginning June 1 and extending through May 31 of the following year and shall be designated by the calendar year in which the insurance period ends.

e. "Dehorning" means the cutting back of each scaffold limb to a length that is no longer than ¼ the height of the tree.

f. "Destroyed" means trees which are damaged to the extent that we determine that replacement is required.

g. "Insurable acreage" means the land we classify as insurable and show as insurable on the actuarial table.

h. "Insured" means the person (owner or owners) who submitted the application accepted by us.

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

j. "Saffold limb" means a limb attached directly to the trunk.

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

l. "Set out" means the transplanting of trees from the nursery to the grove.

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

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

(2) on which you are a joint-owner.

Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between us and you. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of and reported by or for your spouse or child or any member of your household to be your bona fide share of the bona fide share any other person having an interest therein.

18. DECRIPTIVE HEADINGS.

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

Appendix A—Counties Designated for Texas Citrus Tree Insurance—7 CFR Part 440

In accordance with the provisions of 7 CFR 440.1, the following Texas counties are designated for tree insurance: Cameron, Hidalgo, Willacy.

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

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

Date: April 5, 1983.

[FR Doc. 83-9729 Filed 4-12-83; 8:45 am]

BILLING CODE 3410-08-M

Food Safety and Inspection Service

9 CFR Part 319

[Docket No. 82-012P]

Definitions and Standards of Identity or Composition for Miscellaneous Pork Products and Miscellaneous Beef Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Federal meat inspection regulations by adding a standard of identity or composition for products commonly known as "ground pork," "chopped pork" or "pork burgers." The rule also proposes to adopt a standard for "pork patties." Consistent with the traditional meaning of the term "pork," the proposed standards would provide a definition of the term "pork." The proposed ground pork standard closely resembles the standards established for ground beef and hamburger and should serve to insure the continued marketing of product in line with consumer expectations. The proposed standard for pork patties closely resembles the standard established for beef patties. In addition, this proposed rule would, consistent with the customary usage of the term "beef" and in accordance with Agency policy, amend the miscellaneous beef products section of the regulations to emphasize and clarify that the use of the term "beef" is permissible only when describing meat that is skeletal in origin or derived from the diaphragm or esophagus of cattle and may not be used to describe meat that is derived, in whole or in part, from the tongue or the heart. Finally, the proposed rule would amend the limitations with respect to the use of mechanically separated (species) and mechanically separated (species) for processing so as to prohibit the use of such in ground pork, chopped pork or pork burgers.

DATE: Comments must be received on or before June 13, 1983.

ADDRESS: Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Hibbert, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made an initial determination that this proposed rule is not a major rule under Exective Order 12291. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions, and it will not have any 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 amendment to the beef products section of the regulations merely codifies the traditional interpretation of the term "beef" by describing the anatomical origin of beef and will not alter practices as carried out in the past. Additionally, most ground pork processors already voluntarily observe the requirements specified in the proposed ground pork standard and the requirements of the proposed definition of "pork" are also being oberved. Further, there are no "ground pork," "chopped pork" or "pork burgers" being produced commercially with mechanically separated (species) or mechanically separated (species) for processing as an ingredient, and the standard for "pork patties" is expected to encompass all such products being produced.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). If promulgated, it is anticipated that the economic impact of a standard for ground pork on small entities would be minimal since the requirements of the standard and definition for pork betng proposed are currently being observed by most ground pork processors. Additionally, there are currently no "ground pork", "chopped pork" or "pork burgers" being produced commercially with mechanically separated species or mechancially separated (species) for processing. Therefore, the prohibition of this potential ingredient should not have any effect on small processors. The amendment adding a standard for "pork patties" should not have a detrimental impact upon any processors currently producing such products as the standard would encompass all such products currently being produced. The amendment to the beef products section of the regulation merely incorporates current Agency policy and should not have a siginficant impact on any entity subject to the jurisdiction of the Agency.

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Regulations Office. Comments should bear reference to the docket number appearing in the heading of this document. All comments submitted pursuant to this proposal will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Section 7 of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 607) provides that the Secretary may prescribe definitions and standards of identity or composition for meat and meat food products when it has been determined that such action is necessary for the protection of the public. Generally, the Food Safety and Inspection Service (Agency) establishes definitions and standards for meat or meat food products when a product becomes popular and consumers have developed expectations that wherever or whenever they purchase the product, it will have certain characteristics. Standards for various meat food products are codified in Part 319 of the Federal meat inspection regulations (9 CFR 319.1 *et seq.*).

Over 200 federally inspected establishments process and sell products labeled as "ground pork." While some of these products are intended for either institutional or retail sale, other ground pork products are used by some establishments for further processing. Such products may be in bulk, roll, or patty form, and they may be refrigerated or frozen. The fat content may vary, and seasonings may or may not be added.

The Agency has received a petition from the National Pork Producers Council requesting that a standard for ground pork be adopted. The petitioner expressed concern that variations in the quality of ground pork products on the market might cause a negative consumer response to ground pork, especially if some of the products offered for sale contained high levels of fat. The petitioner suggested that a standard resembling the existing standards for other ground meat products (e.g., ground beef and hamburger) would help maintain the quality and consistency of ground pork products and would help prevent the introduction of ground pork products with excessively high fat content to the market.

The Agency has determined that there is merit to this petition. This determination is based on the knowledge that commercial sales of ground pork are increasing and that consumers have legitimate expectations concerning the attributes of ground meat products. Therefore, a standard for

ground pork and similar products is being proposed to ensure that products labeled as ground pork or represented under similar names will have certain characteristics whenever and wherever they are sold and will compositionally resemble other ground meats.

The Agency has also determined that it is appropriate to propose a standard for "pork patties" at this time. Like other ground pork products, commercial sales of pork patties are increasing and because pork patties resemble ground pork and pork burgers in appearance and composition, standards establishing the compositional requirements of such products would benefit both consumers and processors.

Finally, with respect to ground pork products, the Agency believes it is also desirable to propose a change in the mechanically separated (species) regulations so as to prohibit the use of mechanically separated (species) and mechanically separated (species) for processing in ground pork, chopped pork or pork burger. Mechanically separated (species) and mechanically separated (species) for processing is prohibited in ground beef and hamburgers (9 CFR 319.6(d)). A similar prohibition seems appropriate for ground pork products so as to meet consumers' legitimate expectations of ground meat products.

The Agency has also received a petition from the Western States Meat Association requesting that the Agency clarify the standards for "ground beef," "chopped beef" and "hamburger" by designating the anatomical origin of the meat that may be used as beef in such products. The petitioner correctly notes that the Agency has established a policy, based on traditional notions of the term "beef", that only meat from cattle which is skeletal in origin or derived from the esophagus or diaphragm may be used as beef in the preparation of products such as ground beef, chopped beef or hamburger, and that, under this policy, heart and tongue meat are permissible ingredients in these products. However, since this policy is not a regulation and is not incorporated in the beef products standard (9 CFR 319.15), the petitioner contends that any action that may be brought to enforce the policy may be hampered. In the opinion of the petitioner this is an impediment to the effective enforcement of the Act that harms the market for firms complying with the guidelines expressed in the Agency policy and impairs consumers' reasonable expectations of meat food products.

The petitioner's contentions were recently supported by representatives of the State of Utah responsible for directing the State meat inspection program with respect to meat products produced solely for distribution within that State. Like the petitioner, they suggest that the Agency's policy concerning the anatomical origin of meat described as beef should be incorporated in the regulations. The representatives of the State of Utah believe that such action would assist them in the effective administration of their meat inspection program and would help assure that inaccurately labeled products do not reach the consumers.

The term "meat" is defined in the Federal meat inspection regulations as:

> The part of the muscle of any cattle, sheep, swine, or goats, which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing . . . (9 CFR 301.2 (tt)).

The term "meat" is also subject to the following provision:

> * * * "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such a manner as to be false or misleading (9 CFR 317.8(b)(12)).

Although not expressly defined in the FMIA or the meat inspection regulations, historically, the terms "beef," "veal," "mutton," "lamb," "pork" and "goat" have been permitted to describe only meat of skeletal origin or meat derived from the diaphragm or the esophagus. These terms have not been permitted to describe meat consisting, in whole or in part, of meat derived from the tongue or heart. When heart or tongue meat is a permissible ingredient in a product, it must be listed as an ingredient separate and distinct from beef, veal, mutton, lamb, pork, or goat.

The prohibition against the use of tongue or heart meat as beef in ground beef, chopped beef, or hamburger was recently affirmed in the Standards and Labeling Division's Policy Memo 027 dated June 15, 1981, which states, in part, that heart meat and tongue meat have never been considered as beef or permitted to be declared as beef on labels and are not expected ingredients in chopped beef, ground beef, or hamburger. This policy memorandum has been distributed to official establishments, trade associations and other representatives of such official establishments.

The Agency recognizes the enforcement problem that may exist as a result of the regulations not fully reflecting the current Agency policy concerning the anatomical origins of beef. Therefore, the Agency concurs with the petitioner that effective enforcement of this policy could be hampered in some cases by the lack of regulatory provisions on what may or may not be included as beef in ground beef, chopped beef or hamburger. Accordingly, the Agency is proposing to amend the miscellaneous beef products section of the regulations to expressly clarify that only meat of skeletal origin or derived from the diaphragm or esophagus may be labeled as beef in ground beef, chopped beef, hamburger or other beef products.

For the reasons discussed above, similar provisions concerning the anatomical origin of "pork" are also being proposed in conjunction with the proposal to establish a standard for ground pork, chopped pork, pork burgers and other ground or chopped pork products.

Proposal

A standard is proposed for ground pork, chopped pork, pork burgers and other ground or chopped pork products (9 CFR 319.29). Under the proposed standard, such pork products would contain ground or chopped fresh and/or frozen pork with or without the addition of pork fat and/or seasoning, and could not contain more than 30 percent fat, or added water, binders, extenders and phosphates. These compositional requirements are consistent with requirements for similar ground meat products set forth in the Federal meat inspection regulations (9 CFR 319.15(a)) or established by Agency policy. These similar products include ground beef, chopped beef, hamburger, ground meat, chopped veal, and ground or chopped lamb. It appears appropriate and consistent with consumers' expectations that similar restrictions should apply to ground pork.

If adopted, the standard for ground pork would be comparable to the well known standards for other ground meat products. This standard would serve to prevent unfair competition and would result in ground pork products of composition similar to ground beef products. The proposed standard would also be helpful to State and local authorities as it would provide a guideline which could be used by such authorities in the administration of their meat inspection activities.

A standard is also being proposed for pork patties. Under the proposed standard, pork patties would consist of chopped fresh and/or frozen pork with or without the addition of pork fat as

such and/or seasonings. Binders or extenders, mechanically separated (species) used in accordance with § 319.6 of the meat inspection regulations (9 CFR 319.6), and/or partially defatted pork fatty tissue may be used without added water or with added water only in amounts such that the product's characteristics are essentially that of a meat pattie. These compositional requirements are consistent with requirements for other meat pattie products set out in the Federal meat inspection regulation (9 CFR 319.15(c)) or established by Agency policy. It appears appropriate and consistent with consumers' expectations that similar requirements should apply to pork patties.

This proposed rule would also add a new paragraph to the miscellaneous pork products section of the regulations (9 CFR 319.29) incorporating an Agency policy concerning the anatomical origin of meat included in the term "pork." The revision would adopt the definition which has historically been applied and will not result in any changes in product composition from what has been expected and found in the past.

Limitations on the use of mechanically separated (species) in ground pork, chopped pork, or pork burgers would also be established by this proposed rule. These limitations would be similar to those currently in effect for ground beef or hamburger (9 CFR 319.6(d)) and will help assure that consumers' expectation of ground meat products including ground pork and pork burgers are met.

Finally, the proposed rule would, if adopted, add a new paragraph to the miscellaneous beef product section of the regulations (9 CFR 319.15) by incorporating the Agency policy concerning the anatomical origin of meat described by the term "beef." This revision would adopt the definition which has historically been applied and will not result in any changes in product composition from what has been expected and found in the past.

List of Subjects in ACFR Part 319

Meat inspection, Standards of identity or composition.

PART 319—[AMENDED]

Accordingly, it is proposed to amend the Federal meat inspection regulations as follows:

1. The authority citation for Part 319 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

2. Section 319.6 (9 CFR 319.6) would be amended by revising paragraph (d) to read as follows:

§ 319.6 Limitations with respect to use of Mechanically Separated Species.

* * * * *

(d) Mechanically Separated (Species) and Mechanically Separated (Species) for processing described in § 319.5 shall not be used in baby, junior, or toddler foods, ground beef, hamburger, fabricated steaks (§ 319.15(a), (b) and (d)), ground pork, chopped pork, pork burgers (§ 319.29(a)), barbecued meats (319.80), roast beef-parboiled and steam roasted (§ 319.81), corned (cured) beef cuts (§§ 319.100–319.103), certain cured pork products (§§ 319.104(a)–(e) and 319.106), tripe with milk (§ 319.308), lima beans with ham and similar products (§ 319.310), beef with gravy and gravy with beef (§ 319.313), and meat pies (§ 319.500).

3. Section 319.15 (9 CFR 319.15) would be amended by adding a new paragraph (f) to read as follows:

§ 319.15 Miscellaneous beef products.

* * * * *

(f) *Beef.* Beef is meat derived from cattle which is skeletal or which is found in the diaphragm or in the esophagus and does not include heart meat or tongue meat.

4. Section 319.29 (9 CFR 319.29) would be amended by redesignating the present paragraph (a) as (c) and by adding new paragraphs (a), (b) and (d) to read as follows:

§ 319.29 Miscellaneous pork products.

(a) *Ground pork, chopped pork, pork burgers.* "Ground Pork", "Chopped Pork", or "Pork Burgers" shall consist of ground or chopped fresh and/or frozen pork, with or without the addition of pork fat as such and/or seasoning, shall not contain more than 30 percent fat, and shall not contain added water, binders, extenders, or phosphates.

(b) *Pork patties.* "Port Patties" shall consist of chopped fresh and/or frozen pork with or without the addition of pork fat as such and/or seasonings. Binders or extenders, mechanically separated (species) used in accordance with § 319.6, and/or partially defatted pork fatty tissue may be used without added water or with added water only in amounts such that the products characteristics are essentially that of a meat pattie.

* * * * *

(d) *Pork.* Pork is meat derived from swine which skeletal or which is found in the diaphragm or esophagus and does not include heart meat or tongue meat.

* * * * *

Done at Washington, D.C., on April 11, 1983.

Donald L. Houston,

Administrator, Food and Safety and Inspection Service.

[FR Doc. 83-9813 Filed 4-13-83; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFT Part 1

[EE-3-81]

Affiliated Service Groups; Proposed Rulemaking

Correction

In FR Doc. 83-5045, beginning on page 8293, in the issue of Monday, February 28, 1983, on page 8206, in the second column, in § 1.414(m)-1 (c), in the seventh line, "section 414(m)(a)(A)." Should read "section 414(m)(2)(A)."

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Permanent State Regulatory Program of North Dakota; Consideration of Modification of Deadline

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

ACTION: Proposed rule.

SUMMARY: OSM is considering modifying the deadline for North Dakota to meet two of the conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Based on a request of the State, the Secretary is proposing to extend the deadline for the State to resolve the conditions until July 1, 1985.

DATE: Comments must be received by May 13, 1983, at the address below, no later than 5:00 p.m.

ADDRESS: Written comments must be mailed or hand-delivered to Mr. William Thomas, Field Office Director, Office of Surface Mining Reclamation and Enforcement, Fredent Building, P.O. Box 1420, Mills, Wyoming 82644.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, 1951 Constitution

Avenue NW., Washington, D.C. 20240, (202) 343–5351.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The correction of each deficiency is a condition of the approval. The conditional approval terminates if the conditions are not met according to the schedule. The dates are established in consultation with the State based on its regulatory and administrative schedules.

The North Dakota program was conditionally approved on December 15, 1980 (45 FR 82241–82248). The Secretary's approval was conditioned on the State's correction of 13 minor deficiencies in its program by July 1, 1981. That deadline was later extended, upon the State's request, to January 1, 1983 (46 FR 54070–54071). The Secretary granted a further extension of the deadline for conditions (e) and (m) to July 1, 1983 (47 FR 42347–42348, September 27, 1982 and 48 FR 5902, February 9, 1983).

On March 2, 1983, North Dakota advised the Director of the defeat of Senate Bills 2151 and 2155 by the North Dakota Legislative Assembly. These proposed bills were intended to address conditions (e) and (m) of the Secretary's approval of the State program.

The Public Service Commission (PSC) advised OSM that as a result of the legislature's action, the State would be unable to meet the July 1, 1983, deadline to satisfy the two conditions. In a letter dated March 21, 1983, the State requested a two-year extension of the July 1, 1983, deadline for meeting conditions, (e) and (m).

To satisfy these two conditions, North Dakota must adopt statutory changes. The next opportunity for the State to enact such modifictions is the 1985 biannual legislative session.

Condition "e"

Condition "e" stipulates that North Dakota must adopt provisions consistent with sections 507 and 510 of SMCRA and 30 CFR 786.17, 786.19, 778.13 and 778.14 as those sections pertain to a permit applicant's outstanding violations in any State. The Federal standards prohibit issuance of a permit to any person with an outstanding violation or pattern of violations in any State. North Dakota's program prohibits issuance of a permit to an operator with any outstanding violations in North Dakota. It does not, however, prohibit issuance of a permit to an operator with outstanding violations in States other than North Dakota.

Condition "m"

This condition stipulates that North Dakota must enact provisions revising the date for establishment of valid existing rights to be consistent with section 522(e) of SMCRA. Under the Act and OSM's regulations, surface coal mining operations are prohibited in certain areas unless the operator had established "valid existing rights" to mine in one of those areas by August 3, 1977. North Dakota's program establishes July 1, 1979, as the date for establishment of valid existing rights whereas the Federal definition sets August 3, 1977, as the date.

In its March 21, 1983, letter to the Director requesting an extension of the deadline for meeting conditions (e) and (m), PSC acknowledged that North Dakota does not currently have statutory authority to enforce the requirements of SMCRA and the Federal regulations as they pertain to valid existing rights acquired between August 3, 1977 and July 1, 1979, and the permit requirements relating to a permittee's operations in States other than North Dakota. Accordingly, to ensure that no person is deprived of any right guaranteed under SMCRA, the State requested that OSM enforce these requirements until the State amends its program to include standards consistent with the Federal requirements. The State indicated that the Commission would furnish to OSM all data and information to enable it to properly enforce these requirements.

Copies of the State's letter of request and the above cited **Federal Register** notices are available for public review during regular business hours at the location listed above under **"ADDRESS."**

In accordance with the State's request, OSM is proposing to grant North Dakota an extension to satisfy conditions (e) and (m) until July 1, 1985, following the next legislative session. Comment is solicited on this proposed extension.

In addition, in view of North Dakota's lack of statutory authority to enforce the standards which are the subject of conditions (e) and (m), OSM is considering measures to ensure that these standards are upheld in the State until such time as North Dakota amends its program and satisfies conditions (e) and (m). OSM seeks comment on what measures would be appropriate to ensure that permits are not issued by PSC in violation of the standards of SMCRA and the Federal regulations which stipulate (1) that mining shall not be conducted in prohibited areas unless an operator has established "valid existing rights" to mine prior to August 3, 1977 and (2) that a permit shall not be issued to an operator with outstanding violations or a pattern of violations in *any* State.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 942

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

Dated: April 8, 1983.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-9789 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2E2730/P290; PH FRL 2340-7]

O,O-Diethyl S-[2-(Ethylthio)Ethyl] Phosphorodithioate; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the insecticide *O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate; and its cholinesterase-inhibiting metabolites, calculated as demeton, in or on the raw agricultural commodity asparagus. The proposed regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before May 13, 1983.

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

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

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2730 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of California, Idaho, Oregon and Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide *O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity asparagus at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance included a 16-week subacute rat feeding study with a no-observed-effect level (NOEL) for cholinesterase inhibition (ChE) at 1 ppm (0.050 mg/kg/day); a 12-week subacute dog feeding study with a NOEL for ChE at 1 ppm (0.025 mg/kg/day); a dominant lethal mutagenicity study in mice with no observed mutagenicity at 5 mg/kg (highest dose tested); a supplementary 2-year rat feeding/oncogenicity study with a NOEL for ChE at 1 ppm and an undetermined NOEL for systemic toxicity; and a 2-year dog feeding study (minimum) with a NOEL for ChE of 1 ppm and a NOEL for systemic toxicity at greater than 2 ppm (highest dose tested). Studies considered desirable but lacking are a 2-year chronic rat feeding/oncogenicity study, a mouse oncogenicity study, a three-generation rat reproduction study, two teratology studies, additional mutagenicity studies, and a delayed neurotoxicity study in chickens.

The provisional acceptable daily intake (PADI), based on the chronic dog feeding study (ChE NOEL of 0.025 mg/kg/day) and using a 10-fold safety factor, is calculated to be 0.0025 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.1500 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.2544 mg/day; the current action will increase the TMRC by 0.0002 mg/day (0.08 percent) and will utilize an additional 0.14 percent of the PADI. The tolerance that will be established by this proposed rule is considered to pose a negligible incremental dietary risk since dietary exposure will not be significantly increased.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purposes. Since there are no animal feed items involved, there will be no secondary residues in meat, milk, poultry, or eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency the tolerance established by amending 40 CFR 180.183 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

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

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 2E2730/P290]. All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: March 29, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.183 be revised to read as follows:

§ 180.183 O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate; tolerances for residues.

Tolerances are established for residues of the insecticide *0,0*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites, calculated as demeton, in or on the following raw agricultural commodities:

Commodities	Parts per million
Alfalfa, fresh	5.0
Alfalfa, hay	12.0
Asparagus	0.1
Barley, fodder, green	5.0
Barley, grain	0.75
Barley, straw	5.0
Beans, dry	0.75
Beans, lima	0.75

Commodites	Parts per million
Beans, snap	0.75
Beans, vines	5.0
Beets, sugar, roots	0.5
Beets, sugar, tops	2.0
Broccoli	0.75
Brussels sprouts	0.75
Cabbage	0.75
Cauliflower	0.75
Clover, fresh	5.0
Clover, hay	12.0
Coffee beans	0.3
Corn, field, fodder	5.0
Corn, field, forage	5.0
Corn, grain	0.3
Corn, pop	0.3
Corn, pop, fodder	5.0
Corn, pop, forage	5.0
Corn, sweet, fodder	5.0
Corn, sweet, forage	5.0
Corn, sweet, grain (K+CWHR)	0.3
Cottonseed	0.75
Hops	0.5
Lettuce	0.75
Oats, fodder, green	5.0
Oats, grain	0.75
Oats, straw	5.0
Peanuts	0.75
Peanuts, hay	5.0
Peanuts, hulls	0.3
Peas	0.75
Peas, vines	5.0
Pecans	0.75
Peppers	0.1
Pineapples	0.75
Pineapples, foliage	5.0
Potatoes	0.75
Rice	0.75
Rice, straw	5.0
Sorghum, fodder	5.0
Sorghum, forage	5.0
Sorghum, grain	0.75
Soybeans	0.1
Soybeans, forage	0.25
Soybeans, hay	0.25
Spinach	0.75
Sugarcane	0.3
Tomatoes	0.75
Wheat, fodder, green	5.0
Wheat, grain	0.3
Wheat, straw	5.0

[FR Doc. 83-9087 Filed 4-12-83; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 48, No. 72
Wednesday, April 13, 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

Forms Under Review by Office of Management and Budget

April 8, 1983.

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

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

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

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

Revised

•Food and Nutrition Service
Food Stamp Mail Issuance Report
FNS-259
Quarterly
State or local governments: 10,060 responses; 3,139 hours; not applicable under 3504(h)
Peggy Hickman (703) 756-3454

•Agricultural Stabilization and Conservation Service
CFR 1421 Grain Warehouse Standards
CCC-24, CCC-24-1, CCC-25, CCC-25-1, CCC-25-1 Supplement, CCC-25-2, CCC-26, CCC-26-1, CCC-26-1 Supplement, CCC-26-2
On occasion
Businesses or other institutions: 19,000 responses: 15,637 hours; not applicable under 3504(h)
Barry Klein (202) 447-7911

•Food and Nutrition Service
Agreement Between Sponsor and USDA Summer Food Service Program and Data Information Sheet and Part 225FNS-80 FNS-418
Nonrecurring
Businesses or other institutions: 7,871 responses; 50,982 hours; not applicable under 3504(h)
Norma Ball (703) 756-3888

Extension

•Food and Nutrition Service
7 CFR 225—Summer Food Service Program—Recordkeeping
Nonrecurring
Businesses or other institutions: 316,204 responses; 27,355 hours; not applicable under 3504(h)
Norma Ball (703) 756-3888

Reinstatement

•Farmers Home Administration
7 CFR 1980-B Guaranteed Farmer Program Loans
FmHA 449-11,449-12
On occasion
Individuals, state or local governments, farms, businesses: 9,420 responses; 17,520 hours; not applicable under 3504(h)
Ron Thelen (202) 475-4002

Marshall L. Dantzler,
Acting Statistical Clearance Officer.

[FR Doc. 83-9666 Filed 4-12-83; 8:45 am]
BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

Institution of Scheduled Airline Traffic Office; Show Cause Proceedings

AGENCY: Civil Aeronautics Board.

ACTION: Approval of Agreements CAB 19994, A-45, A-46, A47, A-48 (Dockets 40712, 40718, 40754, 40755) but without antiturst immunity and subject to conditions; Institution of Scheduled Airline Traffic Office (SATO) Agreements Show-Cause Proceeding, (Docket 41416), Order 83-4-32.

SUMMARY: The board is approving four agreements among members of the Air Traffic Conference of American (ATC) to amend the Scheduled Airline Traffic Office (SATO) Agreement, CAB 19994 A-45-48 (ATC Resolution 5.53), but without antitrust immunity and subject to the conditions that Article VII B(1) and C of Agreement CAB 19994, A-45 (Docket 40712) be deleted and that non-member/non-concurring carriers be permitted to attend and participate in local SATO committee meetings as observers. The Board is also reexamining the approval and grant of antitrust immunity for the entire SATO program, established by ATC Resolutions 5.53, 5.54, and 5.58. It is tentatively maintaining approval for Resolutions 5.53 and 5.54 but withdrawing immunity, and it is tentatively disapproving Resolution 5.58. The Board is instituting the SATO Agreements Show-Cause Proceeding, directing interested persons to show cause why its tentative conclusions should not be made final.

DATES: Objections to the issuance of an order making final the proposed findings and conclusions shall be filed in Docket 41416 by May 31, 1983. Answers to the objections shall be filed by June 29, 1983.

ADDRESSES: Documents should be filed in Docket 41416, Docket Section, Room 714, Civil Aeronautics Board, Washington, D.C. 20428.

CONTACT:
Susan L. Blankenheimer, Legal Affairs, Competition Maintenance Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, phone (202) 673-5345.

The complete text of Order 83-4-32 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

By the Civil Aeronautics Board, April 7, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-9758 Filed 4-12-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Monthly Retail Trade Report Random Digit Dialing Feasibility
Form Numbers: Agency—B-676A, B-676B; OMB—N/A
Type of request: New
Burden: 10,000 respondents; 273 reporting hours
Needs and uses: This study is to explore the feasibility of replacing the area frame supplement to the Monthly Retail Trade Report with a supplement derived via random-digit dialing techniques.
Affected Public: All residences and nonresidences reachable by telephone
Frequency: Nonrecurring
Respondent's Obligation: Voluntary
OMB Desk Officer: Tim Sprehe, 395-4814

Agency: Bureau of the Census
Title: 1983 Report of Organization
Form Numbers: Agency—NC-9901 and NC-9907; OMB—N/A
Type of Request: New
Burden: 56,000 respondents; 55,298 reporting hours
Needs and Uses: This survey is needed to update and maintain the Standard Statistical Establishment List (SSEL). The SSEL provides (1) a standard basis for assigning industrial clasification codes of establishments engaged in all areas of economic activity, (2) a single universe for the selection and maintenance of statistical samples of establishments, legal entities, or enterprises, and (3) a benchmark data base from which sample estimates can be developed more accurately and efficiently.
Affected Public: Businesses or other institutions (except farms)
Frequency: Annually
Respondent's Obligation: Mandatory
OMB Desk Officer: Tim Sprehe, 395-4814

Agency: National Oceanic and Atmospheric Administration
Title: Fisheries Loan Fund
Form Numbers: Agency—N/A; OMB—N/A
Type of Request: New
Burden: 200 respondents; 200 reporting hours
Needs and Uses: Information will be used to determine eligibility for Federal benefits.
Affected Public: Fishing vessel owners
Frequency: Nonrecurring
Respondent's Obligation: Required to obtain or retain benefit
OMB Desk Officer: Ken Allen, 395-3785

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 83-9796 Filed 4-12-83; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

[Case No. 643]

Robert Almori, et al.; Order Temporarily Denying Export Privileges

In the matter of: Robert Almori aka Mathurin Almori, 80-82 Rue St. Dominique, 75008 Paris, France; COTRICOM, Orly Fret 661, 94393 Orly Airport, CEDEX, France, and 90 Rue La Fayette, 75009 Paris, France; Jean Didat c/o COTRICOM, Orly Fret 661, 94393 Orly Airport CEDEX, France; Michel Daniel d'Ormigny, 22202 North 84th Place Scottsdale, Arizona 85255; Marcel Goldfarb, aka Marcel Le Fevre, aka Gerard Le Fevre, 71 Avenue du Commandant Baree, Paris, France, and c/o FARB et CIE, 4 Boulevard Voltaire, Paris, France; Hedera Establishment, Casa Postale 748, 1201 Geneva, Switzerland, and Postfach 46, 9490 Vaduz, Liechtenstein; Felix-Constantine S. Popovitch, 138 Allee de la Pointe Genete 91190 Gif-Sur Yvette, France, and Technica Ltd., 14415 North 73rd Street Scottsdale, Arizona 85260.

The Department of Commerce (the "Department"), pursuant to the provisions of Section 388.19 of the Export Administration Regulations (currently codified at 15 CFR 368, *et seq.* (1982)) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to Technica Ltd., Scottsdale, Arizona; Robert Almori, aka Mathurin Almori, aka Bernard Almori, ("Almori"); Cotricom, Paris, France; Jean Didat ("Didat"); Michel Daniel d'Ormigny ("d' Ormigny"); Marcel Goldfarb, aka Marcel Le Fevre, aka Gerard le Fevre, ("Goldfarb"); Hedera Establishment, Geneva, Switzerland and Vaduz, Liechtenstein; and Felix-Constantine S. Popovitch ("Popovitch") (hereinafter collectively referred to as "respondents").

The Department states that respondents are under investigation by the Department's Office of Export Enforcement. The Department states further that its investigation to date has revealed: (i) That d'Ormigny has made unlicensed shipments of U.S.-origin high technology goods through the U.S. firm Technica Ltd., to Didat's firm Cotricom for the account of Popovitch's firm, Hedera Establishment; (ii) that attempts by d'Ormigny and Almori to make similar exports through the U.S. firm Techica Ltd. have occurred: (iii) that goods already exported to Almori in France have been reexported to proscribed destinations without authorization from the Office of Export Administration; (iv) that Goldfarb has admitted to presenting false information to OEA at the behest of Almori; and (v) that the individuals named above may attempt future exports and reexports contrary to the Regulations unless appropriate action is taken to preclude such attempts.

Based upon the showing made by the Department, I find that an order temporarily denying all export privileges to respondents is required in the public interest to facilitate enforcement of the Export Administration Act of 1979 (50 U.S.C. app. 2401, *et seq.* (Supp. IV 1980)), as amended by the Export Administration Amendments Act of 1981, Pub. L. 97-145 (1981) (the Act) and the Regulations and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondents or any related party in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents or any related party appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith

to the Office of Export Administration for cancellation.

II. The respondents, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successors. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which respondents are now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services. The business organizations now known to be owned by or affiliated with d'Ormigny, and/or Almori, and which are accordingly subject to the provisions of this order, are:

Interco-Technica Ltd., 14415 North 73rd Street, Scottsdale, Arizona 85260
Interco-Energia Inc., 14415 North 73rd Street, Scottsdale, Arizona 85260
United Equipment Resources Ltd., 14415 North 73rd Street, Scottsdale, Arizona 85260
U.S. Energy Resources Ltd., 14415 North 73rd Street, Scottsdale, Arizona 85260
Teletrans Industries Inc., 14415 North 73rd Street, Scottsdale, Arizona 85260
and
Technica, S.A., 80–82 Rue St. Dominique, 75009 Paris, France.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elswhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondents or any related party may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 6716, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date. In accordance with the provisions of § 388.22 of the Regulations, any respondents or any related party may appeal to the Assistant Secretary for Trade Administration, U.S. Department of Commerce, Room 3898–B, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, a decision upholding an order temporarily denying export privileges.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceeding or proceedings initiated against the respondents as a result of the ongoing investigation. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondents and the above-named related parties.

Dated: April 5, 1983.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 83-9654 Filed 4-12-83; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; University of Chicago et al.

The following is a consolidated decision on applications for duty-free entry of scientific articles published pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Decision: Applications Denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles for such purposes as the foreign articles are intended to be used are not being manufactured in the United States.

Reasons: The requirements for the resubmission of applications that have been denied without prejudice to resubmission are contained in Section 301.5(e) of the regulations. Each of the applicants has failed to resubmit its application within the specified time period. Pursuant to Subsection 301.5(e)(4), this failure shall result in a denial of the application.

In accordance with Section 301.5(f), notice of these decisions is forwarded to the **Federal Register** for publication.

Docket No. 82–00180. Applicant: University of Chicago, Operator of Agronne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Instrument: Gas Chromatograph Mass Spectrometer, Model MS–25. Date of Denial Without Prejudice to Resubmission: January 11, 1983.

Docket No. 82–00257. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Houston, TX 77030. Instrument: Nuclear Magnetic Resonance Imager. Date of Denial Without Prejudice to Resubmission: December 23, 1982.

Docket No. 82–00294. Applicant: York Hospital, 1001 S. George Street, York, PA 17405. Instrument: Therasim 750 Universal Simulator. Date of Denial

Without Prejudice to Resubmission: January 11, 1983.

Docket No. 82-00305. Applicant: University of Colorado, Department of Physics, Campus Box 390, Boulder, CO 80309. Instrument: Excimer Laser, Model TE-431T with Optics Set, Model 503 FX/503RX. Date of Denial Without Prejudice to Resubmission: January 11, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-9736 Filed 4-12-83; 8:45 am]

BILLING CODE 3510-25-M

Guidelines for the Issuance of Export Trade Certificates of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of guidelines.

SUMMARY: These guidelines are issued under Title III of the Export Trading Company Act of 1982, Pub. L. 97-290. The guidelines discuss the eligibility requirements, certification standards and analytical approach which the Departments of Commerce and Justice will utilize in determining whether to issue an export trade certificate of review. The holder of a certificate and its members will have specific protections from liability under Federal and State antitrust laws. Potential applicants can refer to these guidelines for assistance in determining whether to apply for a certificate.

Comments

Interested persons are invited to submit written comments at any time, with five copies, to: Office of the Assistant General Counsel for Export Trading Companies, Department of Commerce, Room 5882, Washington, D.C. 20230.

Comments should refer to this notice by the title "Guidelines for the Issuance of Export Trade Certificates of Review."

FOR FURTHER INFORMATION CONTACT: Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-0937 or (202) 377-4772. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: These initial guidelines are intended to assist persons who may apply for an export trade certificate of review under Title III of the Export Trading Company Act of 1982. The Commerce Department welcomes comments on these guidelines at any time. The Departments of Commerce and Justice plan to make revisions and additions to these guidelines (including the addition of specific examples) as they gain more experience with the certification process.

I. Introduction

Under Title III of the Export Trading Company Act, "Export Trade Certificates of Review," the Commerce Department, with the concurrence of the Justice Department, is issuing these guidelines "[t]o promote greater certainty regarding the application of the antitrust laws to export trade."[1] In order to assist firms in planning their organizational structure and export operations, these guidelines set forth the purpose of the certification procedure, the protection conferred by the certificate of review, the persons and conduct eligible for certification, the eligibility standards which will be considered and the analytical approach which the Commerce and Justice Departments will apply in determining whether to certify specific types of proposed conduct. These guidelines set forth the kinds of considerations that will be taken into account in determining whether or not to issue a certificate.

The Export Trading Company Act of 1982[2] ("the ETCA" or "the Act") is intended to increase U.S. exports of goods and services primarily by removing two impediments: (1) restrictions on bank investment and certain export financing, and (2) the uncertainty regarding the application of U.S. antitrust laws. To remove these impediments, the ETCA makes several changes to applicable banking and antitrust laws. These changes are reflected in four titles, which, for the most part, are independent of each other. Title I establishes in the Department of Commerce an office to promote the formation of export trade associations and export trading companies ("ETCs"). By providing a full range of export services, an ETC can function as a one-stop export intermediary for U.S. producers of goods and services. Title II permits eligible banking entities to acquire, subject to certain limitations, up to 100-percent of the stock of an ETC. It also reduces certain restrictions on export financing. Title III provides for a certification process which enables businesses engaged in export trade to determine in advance whether their proposed export conduct will have specific protection from liability under Federal and State antitrust laws. And Title IV clarifies how the Sherman and Federal Trade Commission Acts apply to export commerce.

Many, and perhaps most, export activities are currently permissible under U.S. antitrust laws. But members of the American business community have long expressed uncertainty about the application of U.S. antitrust laws to their export conduct. The purpose of the Act is to encourage U.S. exports, particularly by small and medium-sized firms, by minimizing any antitrust uncertainty about proposed export conduct. The Act reduces the uncertainty by establishing a procedure which permits persons engaged in export trade to receive a certificate that sets the limits of their antitrust liability before they engage in such conduct.

II. Protection Conferred by Certification

Under the procedures set forth in the implementing regulations,[3] the Commerce Department will issue to an applicant a certificate or an amendment to the certificate if it determines and the Justice Department concurs that the proposed conduct meets the four eligibility standards in section 303(a) of the Act.[4] A certificate of review protects its holder and the members identified in it from civil and criminal liability under Federal and state antitrust laws for conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions. However, any person who has been injured by the certified conduct may bring a civil action for injunctive relief and actual damages for such conduct that does not comply with the four eligibility standards.[5] Such a

[1] Pub. L. No. 97-290, Title III section 307, 96 Stat. 1244 (to be codified at 15 U.S.C. 4017). Section 311(b) of the Act defines "antitrust laws" as "the antitrust laws, as such term is defined in the first section of the Clayton Act (15 U.S.C. 12), and section 5 of the Federal Trade Commission Act (15 U.S.C. 45) (to the extent that section 5 prohibits unfair methods of competition), and any State antitrust or unfair competition law."

For a discussion of the application of U.S. antitrust laws to foreign commerce, see Antitrust Division, U.S. Department of Justice, *Antitrust Guide for International Operations* (1977) [hereinafter *"Guide."*]; J. Atwood & K. Brewster, *Antitrust and American Business Abroad* 2d ed. 1981 and Supplement); W. Fugate, *Foreign Commerce and the Antitrust Laws* (1982); B. Hawk, *United States, Common Market and International Antitrust: A Comparative Guide* (1979 and Supplement).

[2] Pub. L. No. 97-290, 96 Stat. 1233-1247.

[3] 48 FR 10595 (March 11, 1983) (to be codified at 15 CFR Part 325).

[4] Pub. L. No. 97-290, section 303(a), 96 Stat. 1241 (to be codified at 15 U.S.C. 4013(a)).

[5] Id. section 306(b)(1)-(4), 96 Stat. 1243 (to be codified at 15 U.S.C. 4016(b)(1)-(4). The Justice Department may also bring an action against the certificate holder to enjoin conduct threatening clear and irreparable harm to the national interest. (*Id.* section 306(b)(5)).

cause of action could arise if the certificate had been incorrectly issued through misapplication of the four eligibility standards or if certified conduct no longer meets the standards because of changed circumstances.

There are, however, significant limitations on these private suits. First, there is a presumption that the certified conduct does comply with the eligibility standards. Second, any such private suit would have to be commenced within two years of the date that the injured party has notice of the failure to comply and in no event later than four years from the date the cause of action occurs. Finally, if the certificate holder prevails, he recovers the cost of defending against the suit, including reasonable attorneys fees. One benefit of these limitations should be to deter frivolous private lawsuits.

The certificate provides no protection if it was obtained by fraud because it is void from the beginning. Also, the certificate provides no protection for persons not identified in it or for conduct outside its scope. In any private antitrust action alleging that the certificate holder's conduct is not within the scope of the certificate, an issue before the court will be whether that allegation is correct. Finally, applicants should be aware that other nations have competition laws with which they must comply. The certificate does not confer immunity from foreign competition laws.

III. Persons Eligible for Certification

The Act permits any "person" [6] engaged in export trade to apply for a certificate. This is unlike Title II of the ETCA, the "Bank Export Services Act," which applies only to an "export trading company." [7] For example, under Title III's definition of "person," a single U.S. company may apply for a certificate even though its export trade is only a small part of its business operations and it would not qualify as an ETC under Title II. In addition, U.S. subsidiaries of foreign companies are eligible to apply for the protection of a certificate. Finally, foreign companies may also receive the protection of a certificate as members [8] of an applicant U.S. trading entity.

IV. Conduct Eligible for Certification

Certificates of review may be issued with respect to export trade, export trade activities and methods of operation, as those terms are defined in the Act. The agencies will ordinarily determine, as a threshold matter, whether the proposed conduct falls within these definitions before considering whether the conduct meets the eligibility standards of section 303(a) of the Act. Conduct that constitutes export trade, export trade activities or methods of operation is eligible for certification and will be reviewed for its consistency with those standards. Conduct that does not constitute export trade, export trade activities or methods of operation is not eligible for certification.

A. Export Trade

The Act defines "export trade" as:

> trade or commerce in goods, wares, merchandise, or services exported, or in the course of being exported, from the United States or any territory thereof to any foreign nation.

This definition is similar to that contained in the Webb-Pomerene Act, 15 U.S.C. 61–65. It differs, however, in its inclusion of exports of services,[9] which are not protected by the Webb-Pomerene Act. And, unlike the Bank Export Services Act, the Act does not require that the goods or services to be exported be produced in the United States.

Conduct may constitute export trade, and therefore be eligible for certification, even if the goods or services are not actually exported by the applicant or its members, as long as the goods or services involved are "in the course of being exported." For example, the sale of a product within the United States, if the product is to be exported, may in some circumstances constitute "export trade." However, the production in the United States of goods will not ordinarily be considered as "export trade," even if the goods produced are destined for export. Nothing in the Act prevents an export venture from engaging in manufacturing activities or any other activities such as import or domestic trade. Such activities would not, however, be eligible for certification, and would remain subject to the antitrust laws.

B. Export Trade Activities and Methods of Operations

The Act defines "export trade activities" as "activities or agreements in the course of export trade." "Methods of operation" are defined as "any method by which a person conducts or proposes to conduct export trade." Proposed activities, agreements or methods of conducting business will be eligible for certification if they fall within these definitions. Whether proposed conduct is best characterized as an export trade activity or method of operation is not important for eligibility purposes, provided the proposed conduct comes within the purview of the one or the other.

Export trade activities may include services that are provided exclusively to facilitate the export of goods or services. Examples might include the sale and shipment of goods or services abroad, advertising in the export market, international market research, product research and design, joint trade promotion, financing, communication and processing of foreign orders, and negotiating export contracts with foreign buyers.

Agreements in the course of export trade might include agreements among the members on the allocation of export quotas, agreements to pool products for export shipment, agreements setting prices, terms and conditions of sale in foreign markets, and distributorship with foreign distributors.[10]

The applicant's methods of operation might include such mechanisms as using exclusive or non-exclusive foreign distributors, selling on consignment, and

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[6] Section 311(5) of the Act defines "person" as "an individual who is a resident of the United States; a partnership that is created under and exists pursuant to the laws of any State or of the United States; a State or local government entity; a corporation, whether organized as a profit or nonprofit corporation, that is created under and exists pursuant to the laws of any State or of the United States; or any association or combination, by contract or other arrangement, between or among such persons."

[7] Section 203(3)(F) of the Bank Export Services Act defines "export trading company" as "a company which does business under the laws of the United States or any State, which is exclusively engaged in activities related to international trade, and which is organized and operated principally for purposes of exporting goods or services produced in the United States or for purposes of facilitating the exportation of goods or services produced in the United States by unaffiliated persons by providing one or more export trade services."

[8] Section 325.2(k) of the implementing regulations defines "member" as "with respect to an applicant, a partner, shareholder or participant who is seeking protection under the certificate. This applies to partners in partnerships or joint ventures; shareholders of corporations; or participants in associations, cooperatives, or other forms of profit or nonprofit organizations or combinations, by contract or other arrangement."

[9] Section 311(2) of the Act defines "services" as: "intangible economic output, including, but not limited to—

(A) Business, repair, and amusement services,

(B) Management, legal, engineering, architectural, and other professional services, and

(C) Financial, insurance, transportation, informational and any other data-based services, and communication services."

Patent, trademark, know-how and technology licenses are considered to be intangible economic output. Therefore, such licenses to persons located in other countries are within the definition of "export trade" and will be eligible for certification.

[10] Where an applicant seeks certification of an agreement involving non-members, however, only the applicant and members listed on the certificate may receive the protection from antitrust liability afforded by the Act.

using a resale price maintenance program for its foreign sales. Methods of operation eligible for certification might also include the organizational and managerial aspects of the export venture, such as the manner in which overseas prices will be established, the role members will play in the management decisions of the venture, the manner in which business information will be disclosed to or exchanged between members and/or non-members, and restrictions on the activities of members in export markets or on their withdrawal from the export venture.

While, as general matter, certification is not available for overseas investment activities, investments that are integral to the export of goods or services may in some circumstances be eligible for certification. For example, investment in warehouse facilities overseas to store exported products until transferred to the foreign purchaser would ordinarily be eligible for certification. Similarly, although the production or manufacture of products ordinarily would not be eligible for certification, minor product or packaging modification activities necessary to insure compatibility of the product with the requirements of the foreign market could be considered an export trade activity eligible for certification.

V. Certification Standards

Proposed export trade, export trade activities and methods of operation may be certified if the applicant establishes that such conduct will—

(1) Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,

(2) Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,

(3) Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and

(4) Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

These certification standards are intended to encompass the substantive law of antitrust as modified by the Webb-Pomerene Act.[11] The antitrust laws fulfill an important purpose in protecting American consumers and other American exporters from anticompetitive restraints. Where the only anticompetitive effects of the conduct are in foreign markets, a certificate may be issued. However, where proposed conduct will have a substantial anticompetitive impact on trade or commerce in the U.S., or on the export opportunities of other U.S. exporters, a certificate will not be issued.

A. The First Standard—Substantial Lessening of Competition or Restraint of Trade

Under this standard, conduct will be certified unless it has a substantial anticompetitive impact in the domestic market or on U.S. export competitors.[12] The agencies will carefully evaluate the likelihood that proposed export conduct will facilitate collusion in the domestic market, or otherwise have a substantial anticompetitive impact, before a certificate is issued. For example, if the exhange of price, output, or other sensitive information in the course of export trade will result in a substantial lessening of competition in the domestic market, that method of operation will not be certified.

To determine whether the proposed conduct will comply with this standard, the analysis will in most instances look to the overall purpose and effect of the activities on competition and whether that impact is unreasonably restrictive of competitive conditions.[13] When making this determination, the agencies will balance the likely pro-competitive and anticompetitive effects of the proposed action within each relevant market. If the net impact of the restraint will not be to substantially lessen competition, it will be certified.

An evaluation of the likely anticompetitive effects of proposed conduct in the domestic market may require an analysis of the market structure in the United States for the goods and services to which the proposed conduct will apply. The likelihood and severity of such effects may depend on the concentration of the relevant market(s), the ease of new entry and the market power of the applicant and its members. In determining the market power of the applicant and members, the aggregate market shares of each, as well as market shares of their parents, subsidiaries and affiliates, will be considered. Ordinarily, the proposed conduct will be more closely scrutinized for possible anticompetitive impact when these markets are highly concentrated or when the participants in the proposed conduct have a large market share than when neither of these factors is present.

B. The Second Standard—Unreasonable Price Effects

The second standard requires the agencies to analyze the likely effect upon domestic prices of the proposed export trade, export trade activities and methods of operation. Proposed conduct will meet this standard if it will not have the foreseeable consequences of unreasonably enhancing, stabilizing or depressing prices in the Unites States.

Under this standard, an effect on domestic prices resulting from export sales which lessen domestic supply and which are a legitimate response to demand in foreign markets will in itself not constitute an unreasonable effect on domestic prices. On the other hand, an increase in domestic prices that results from anticompetitive behavior directed at the domestic market will be unreasonable. For example, where the purpose of proposed conduct is to manipulate domestic prices directly, or indirectly through the manipulation of domestic supplies, certification will be denied.

C. The Third Standard—Unfair Methods of Competition

Under this standard, proposed conduct that unreasonably restrains the trade of U.S. export competitors will not be certified. While this language is similar to that contained in section 5 of the Federal Trade Commission Act,[14] this standard is narrower on its face than that of the Federal Trade Commission Act. The policies and purposes underlying the Export Trading Company Act are different from the Federal Trade Commission Act. In light of this, the judicial decisions interpreting section 5 of the Federal Trade Commission Act, while illustrative, have only limited precedential significance.

An example of conduct that might not meet this standard is the deliberate and unreasonable restriction of domestic export competitors from their source of supply. On the other hand, the fact that export sales by the applicant or its members would displace sales of other U.S. exporters would not be grounds in itself for denying certification.

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[11] *See* Conference Report, H.R. Rep. No. 924, 97th Cong. 2nd Sess. 28 (October 1, 1982); S. Rep. No. 27, 97th Cong. 1st Sess. 20–21 (1981).

[12] *See United States v. Minnesota Mining and Mfg. Co.*, 92 F. Supp. 947, 965 (D. Mass. 1950).

[13] *See National Society of Professional Engineers v. United States*, 435 U.S. 679, 687–692 (1978).

[14] 15 U.S.C. 45.

D. The Fourth Standard—Resales in the United States

The fourth standard seeks to ensure that the anticompetitive effects, if any, of proposed export conduct does not have a domestic impact through the export and subsequent re-import of the goods or services back into the United States. It is intended to ensure that the antitrust protection afforded by the Act will not be given for conduct which, while ostensibly involving exports, has a significant impact in the domestic market.

Under this standard, the agencies will look at whether the applicant reasonably expects the exported goods or services to re-enter the United States for sale or consumption within the United States, and if so, whether such sale or consumption within the U.S. may have a significant domestic impact. The exportation of products or services that are incorporated into finished products overseas or which are in any significant manner transformed in their character, and then exported back into the United States would not ordinarily be denied certification under this standard.

Dated: April 8, 1983.

Malcolm Baldrige,

Secretary of Commerce.

[FR Doc. 83-9659 Filed 4-12-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

[Modification No. 1 to Permit No. 400]

Taking and Importing of Marine Mammals

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), and § 222.25 of the Regulations Governing Endangered Species Permits (50 CFR Part 222), Scientific Research Permit No. 400 issued to Bolt Beranek and Newman Inc., 10 Moulton Street, Cambridge, Massachusetts 02238, is modified to include air gun sources in addition to the noise sources authorized.

Accordingly, Section B-1 is deleted and replaced by: "1. The research shall be conducted by the means, in the areas and for the purposes set forth in the application and documents submitted in modification."

This modification becomes effective upon publication in the **Federal Register**.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

R. B. Brumsted,

Acting Director, Office of Pretected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-9798 Filed 4-12-83; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Introducing Brokers and Associated Persons of Introducing Brokers; Authorization of National Futures Association To Perform Limited Commission Registration Functions

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice and Order Authorizing National Futures Association to perform a limited portion of the Commission's registration functions applicable to introducing brokers and associated persons of introducing brokers.

SUMMARY: In order to facilitate application of a Commission no-action position concerning the required registration of introducing brokers and associated persons of introducing brokers by May 11, 1983, and to assist the Commission in processing applications for registration in such categories following the adoption of Commission rules, the Commission is authorizing the National Futures Association to receive and process materials submitted to it in accordance with procedures established by the Commission to administer its no-action position and to commence processing new applications for registration as an introducing broker or an associated person of an introducing broker.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Assistant Director, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: The Commission today announced interim procedures to facilitate compliance by introducing brokers (IBs) and associated persons (APs) of introducing brokers with the registration requirements of the Commodity Exchange Act (the "Act"), as recently added by the Futures Trading Act of 1982. Those procedures include Commission announcement of certain conditions which may be met by IBs and APs to qualify for a Commission no-action position concerning the applicability of the Act's new registration requirements on May 11, 1983. In addition, the Commission has published notice of proposed rules which would govern the qualification of, and procedures for, registration of IBs and their APs upon adoption (48 FR 14933 (April 6, 1983)).

By letter dated April 6, 1983, the National Futures Association has requested that the Commission authorize it to commence receiving and processing applications for the IB and IB/AP registration categories in accordance with the no-action procedures established by the Commission, thereby qualifying appropriate persons to rely upon the Commission's no-action position until such time as the Commission adopts final rules governing these required registrants. NFA also has requested that, upon the Commission's adoption of final rules governing IBs and their APs, it be authorized to commence processing new applications for registration in these two categories.

In this regard, NFA has represented that it will comply with the procedures adopted by the commission to administer the extension of the Commission's no-action position to qualified applicants, and also to comply with such rules as the Commission may adopt to govern the procedures for application to become registered as an IB or AP thereof. NFA also has indicated that it intends to submit for Commission approval specific rules which, in accordance with applicable Commission requirements, would establish NFA procedures for processing IB and IB/AP registration applications, apply fitness standards to prospective registrants and adopt procedures to assure compliance with such standards, and establish notice and review procedures concerning denial of or other adverse action on registration applications.[1]

[1] The Commission previously has approved Article III, Section 1 of the NFA Articles of Incorporation, which provides that one of the fundamental purposes of NFA is "facilitating the allocation of increased Commission resources to contract market designations, approval of contract market rules, registration of industry professionals and other duties of the Commission affecting the growth of the commodity futures industry and the public's ability to avail itself of the industry's expanding services." The Commission anticipates that, upon adoption of Commission rules governing the application procedures and qualifications of applicants for registration as IBs or APs thereof, NFA will submit rules for Commission approval which would establish necessary application, qualification and review procedures for the Commission to consider authorizing NFA to grant or deny IB and IB/AP registration applications.

In light of NFA's request for Commission authorization to assume responsibility for those portions of the Commission's registration functions, its representations concerning procedures to be followed in administering those functions, and the opportunity for the Commission to implement these functions in an efficient, cost effective manner, the Commission has determined, in accordance with its authority under section 8a(10) of the Act, as added by § 224 of the Futures Trading Act of 1982, to authorize NFA to perform the limited registration functions associated with processing "no-action" requests submitted by or on behalf of IBs and APs of IBs and processing applications for registration and related materials submitted in connection therewith.

Issued by the Commission on April 7, 1983, in Washington, D.C.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 83-9657 Filed 4-12-83; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval, through April 30, 1986, of information collection requirements in a regulation applicable to full-size baby cribs. The regulation, published at 16 CFR Part 1500.18(a)(13) and Part 1508, is intended to reduce or eliminate unreasonable risks of death or injury to children from mechanical hazards. The regulation bans from sale and distribution full-size cribs that fail to meet established criteria and requires certain labeling, under provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*). Additionally, § 1508.10 of this regulation requires manufacturers and importers of the cribs subject to its provisions to make and maintain records of sale, distribution, inspections, and tests, for 3 years after production or importation of each lot or other identifying unit of full-size baby cribs.

Information about the Proposed Collection of Information.

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Full-size baby cribs, 16 CFR 1500.18(a)(13) and Part 1508.

Type of request: Extension of approval.

Frequency of collection: Varies depending upon volume of products manufactured, imported, tested, or sold.

General description of respondents: Manufacturers and importers of full-size baby cribs.

Estimated number of respondents: 33.

Estimated average number of hours per response: 4 for records and 8 for tests.

Comments: Comments on this proposed collection of information should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, telephone: (202) 395-7313, not later than April 28, 1983. Copies of the proposed collection of information are available from Francine Shacter, Office of Budget and Program Implementation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: April 7, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-9731 Filed 4-12-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Summer Study Panel on Aircraft Survivability in NATO; Notice of Advisory Committee Meeting

The Defense Science Board 1983 Summer Study Panel on Aircraft Survivability in NATO will meet in closed session 9–10 May 1983 in the Pentagon, Arlington, Virginia.

The Mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 9–10 May 1983, the Panel will examine the threat to tactical aircraft in the air and on the ground and assess the major sources of their attrition and sortie rate degradation.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Foce meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

April 8, 1983.

[FR Doc. 83-9761 Filed 4-12-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Summer Study Panel on Conventional Munitions; Notice of Advisory Committee Meeting

The Defense Science Board 1983 Summer Study Panel on Conventional Munitions will meet in closed session on 12–13 May 1983 in the Pentagon, Arlington, Virginia.

The Mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 12–13 May 1983, the Panel will consider the opportunities to improve our conventional weapons capability and the degree to which our current R&D program is exploiting these opportunities.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

April 8, 1983.

[FR Doc. 83-9762 Filed 4-12-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Summer Study Panel on Joint Service Acquisition Programs; Notice of Advisory Committee Meeting

The Defense Science Board 1983 Summer Study Panel on Joint Service Acquisition Programs will meet in closed session on 5–6 May 1983 in the Pentagon, Arlington, Virginia.

The Mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 5–6 May 1983, the Panel will examine past and present joint Service programs and the factors which contributed to their success or failure.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

April 8, 1983.

[FR Doc. 83-9760 Filed 4-12-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Office of Energy Research

University Programs Panel, Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: University Programs Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770).

Date and time: April 29, 1983 from 9 a.m. to 5 p.m.

Place: Department of Energy Room 8E–089, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

Contact: Joan Snodderly, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER–6, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252–8933.

Purpose of the Parent Board

To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda

- Briefing on NSF programs
- Briefing on DOE defense R&D performed by universities
- Discussion of draft report

Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Joan Snodderly at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:00 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 7, 1983.

Ira M. Adler,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 83-9757 Filed 4-12-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of March 18 through March 25, 1983

During the Week of March 18 through March 25, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. A Submission inadvertently omitted from an earlier list has also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be

aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

April 6, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Mar. 18 through Mar. 25, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 9, 1983	Mira Oil Company, Inc., Washington, D.C.	HRD-0118	Motion for Discovery. If granted: Discovery would be granted to Mira Oil Company in connection with the State of Objections submitted in response to the Proposed Remedial Order issued to Mira (Case No. HRO-0113).
Mar. 18, 1983	Husky Oil Company/Exxon Company, U.S.A., Cities Service Company, Gulf Oil Corporation, Washington, D.C.	HEJ-0038	Protective order. If granted: Exxon Company, U.S.A., Cities Service Company and Gulf Oil Corporation would enter into a Protective Order with Husky Oil Company regarding the release of proprietary information to Exxon, Cities Service and Gulf in connection with the year end review of entitlements exception relief granted to Husky (Case No. BEX-0210).
Mar. 21, 1983	Economic Regulatory Administration/United Petroleum Distributors, Inc., Washington, D.C.	HRW-0006	Remedial order finalization. If granted: A Proposed Remedial Order issued to United Petroleum Distributors, Inc. on December 22, 1982, would be issued as a final Remedial Order.
Do	Edward T. Cotham, Jr., Houston, Texas	HFA-0127	Appeal of an information request denial. If granted: The March 8, 1983, Freedom of Information Request Denial issued by the Office of Special Counsel would be rescinded and Edward T. Cotham, Jr. would receive access to a "Memorandum of Understanding" between the DOE and the Standard Oil Company (Indiana) concerning the applicability of that firm's Consent Order to the resolution of the *In Re the Department of Energy Stripper Well Exemption Litigation* case.
Do	Tierra Engineering Consultants, Santa Fe, New Mexico	HFA-0126	Appeal of an information request denial. If granted: The Freedom of Information Request Denial issued by the DOE Albuquerque Operations Office would be rescinded and Tierra Engineering Consultants would receive access to score sheets used in the selection of contracts No. AC-96, AC-97 and TA-39.
Mar. 22, 1983	Andrew Douglas Churchman, Santa Fe, New Mexico	HFA-0128	Appeal of an information request denial. If granted: The February 17, 1983, Freedom of Information Request Denial issued by the DOE Albuquerque Operations Office would be rescinded and Andrew Douglas Churchman would receive access to opm investigative reports, which were deleted from the responsive documents.
Do	Atlantic Richfield Company/Economic Regulatory Administration, Los Angeles, California.	HRJ-0039	Motion for protective order. If granted: Atlantic Richfield Company would enter into a Protective order with the Economic Regulatory Administration regarding the release of proprietary information to Atlantic Richfield in connection with the Proposed Remedial Order issued to Atlantic Richfield (Case No. BRO-1243).
Do	Transcontinental Oil Corporation, Shreveport, LA	HEE-0062	Exception from the reporting requirements. If granted: Transcontinental Oil Corporation would not be required to file form EIA-23 "Annual Survey of Domestic Oil and Gas Reserves" for 1982.
Mar. 23, 1983	Anita Goldwasser, San Jose, California	HFA-0129	Appeal of an information request denial. If granted: The February 10, 1983, Freedom of Information Request Denial issued by the DOE Chicago Operations Office would be rescinded and Anita Goldwasser would receive access to medical records pertaining to her late husband, Samuel R. Goldwasser.
Do	Ashland Oil, Inc., Washington, D.C.	HFA-0130	Appeal of an information request denial. If granted: The February 4, 1983, Freedom of Information Request Denial issued by the DOE Director of the Office of Fuels Programs would be rescinded and Ashland Oil, Inc. would receive access to documents pertaining to the Emergency Petroleum Allocation Act of 1973, the Entitlements Program and the Tertiary Incentive Program.
Do	Exxon Company, U.S.A., Washington, D.C.	HED-0119	Motion for discovery. If granted: Discovery would be granted to Exxon Company, U.S.A. in connection with the Statement of Objections submitted in response to the Proposed Decision and Order issued to Husky Oil Company (Case No. BEX-0210).
Do	Department of the Interior, Washington, D.C.	HEE-0063	Exception from the certification rules. If granted: The Department of the Interior would receive an exception from certain certification requirements applicable to first sellers of crude oil set forth in 10 CFR Part 212, with respect to its sales of onshore and offshore crude oil.
Mar. 24, 1983	Cities Service Company, Tulsa, Oklahoma	HEH-0016	Request for evidentiary hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Cities Service Company in response to the Proposed Decision and Order issued to Husky Oil Company (Case No. BEX-0210).
Mar. 25, 1983	Economic Regulatory Administration/Camden Arco, San Francisco, California.	HRW-0007	Rededial order finalization. If granted: A Proposed Remedial Order issued to Camden Arco on March 31, 1981, would be issued as a final Remedial Order.
Do	Economic Regulatory Administration/Fakhoury Service Center, San Francisco, California.	HRW-0009	Remedial order finalization. If granted: A Proposed Remedial Order issued to Fakhoury Service Center on April 22, 1981, would be issued as a final Remedial Order.
Do	Economic Regulatory Administration/J & C Shell Service, San Francisco, California.	HRW-0008	Remedial order finalization. If granted: A Proposed Remedial Order issued to J & C Shell Service on May 29, 1981, would be issued as a final Remedial Order.
Do	SKE, Inc., Norman, Oklahoma	HFA-0131	Appeal of an information request denial. If granted: The Fedruary 23, 1983, Freedom of Information Request Denial issued by the DOE Albuquerque Operations Office would be rescinded and SKE, Inc. would receive access to a May 12, 1982, memorandum of a site visit and the DOE review of cost information submitted by SRL, Inc. in regard to DOE Grant No. DE-FG46-31AF92501.

REFUND APPLICATIONS RECEIVED WEEK OF MARCH 18 TO MARCH 25, 1983

Date	Name of refund proceeding/name of refund applicant	Case No.
Mar. 25, 1983	Sid Richardson/ Loup City Propane.	RF26-2
Mar. 21, 1983	Amoco Refund Applications.	RF21-4560 through RF21-5236

[FR Doc. 83-9751 Filed 4-12-83; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of March 7 Through March 11, 1983

During the week of March 7 through March 11, 1983 the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Mobil Oil Corporation, 3/9/83; HFA-0119

Mobil Oil Corporation (Mobil) filed an Appeal from a determination that had been issued to the firm pursuant to the Freedom of Information Act (FOIA) by the Deputy Director for Legal Analysis of the DOE's Office of Hearings and Appeals (the Deputy Director). In that determination, the Deputy Director had advised the firm that the material sought was available in specified files in OHA's Public Docket Room. In its Appeal, Mobil claimed that the agency should more specifically identify the material sought. The DOE found that documents available in a Public Reading Room are not an appropriate subject for an FOIA request. Since all of the documents are available in the OHA's Public Docket Room, the Deputy Director's determination went beyond any obligation under the FOIA. The DOE concluded that there is certainly no obligation for the agency to perform research for the firm into publicly available information. Accordingly, the Appeal was dismissed.

Skelly and Loy, 3/7/83; HFA-0117

On February 4, 1983, Skelly and Loy filed an Appeal from a partial denial by the Inspector General of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the search conducted by the Inspector General was adequate and that Skelly and Loy had been provided with the only responsive document. The DOE further noted that the Inspector General had agreed to release certain information that originally was withheld pursuant to 5 U.S.C. § 552(b)(5). Accordingly, the Appeal was granted in part.

Requests for Exception

Asamera Oil (U.S.) Inc., 3/9/83; BEE-1491

Asamera Oil (U.S.) Inc. (Asamera) filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 in which the firm sought to receive additional entitlement benefits to equalize its crude oil costs with those of other domestic refiners. In considering the request, the DOE found the deterioration in Asamera's financial position in 1980 was largely attributable to the firm's reliance upon high cost uncontrolled crude oil. The DOE noted that the Entitlements Program was intended to provide the economic equivalent of access to price-controlled crude oil. Since Asamera had actual access to price-controlled crude oil at less than the national average rate, the DOE determined that exception relief was appropriate to place Asamera in the same financial position it would have been in, if it had been actually allocated price-controlled crude oil. Relief was therefore approved for the period May through December, 1980 in the amount of $1,300,109.

Rogers Fuels, Inc., 3/9/83; HEE-0054

Rogers Fuels, Inc. filed an Application for Exception in which the firm sought to be relieved of the requirement to file Form EIA-9A, No. 2 Distillate Price Monitoring Report. In considering the request, the DOE found that the firm failed to provide reasons which justify relieving it of the responsibility to file Form EIA-9A. Accordingly, exception relief was denied. The important issue discussed in the Decision and Order is whether the death of the owner of the firm justified exception relief in view of the fact that the firm had been relieved of the obligation to file Form EIA-9A for an earlier period of time on the basis of the illness then being experienced by the firm's owner.

Economic Regulatory Administration/Texaco Inc., 3/7/83; HRS-0021, HRS-0029, HRS-0030.

Economic Regulatory Administration and Texaco Inc. filed Joint Requests for Stay of Proceedings pending the Office of Hearings and Appeals. The parties asserted that they had made substantial progress toward resolving the issues in the three proceedings and that they expected the negotiations to be successful. They therefore requested an indefinite "postponement" of the proceedings. The DOE determined that the parties failed to

meet the criteria for a stay set forth at 10 C.F.R. § 205.125(b). The DOE found that public policy factors do not favor the approval of the stay because there is not certainly that the negotiations will be successful. It was also noted that the filing of submissions required under 10 C.F.R. Part 205, Subpart O was complete in all three cases and that the requests were designed to suspend any future decision-making by OHA which might in turn require some action by the parties. The DOE therefore stated that to the extent that a deadline is established in an OHA determination, the parties would be allowed to submit reasonable requests for extensions of time to comply with that deadline. Accordingly, the joint Request for Stay was denied.

Refund Applications

Standard Oil Company (Indiana)/Akin Oil Company, Inc., et al., 3/10/83; RF21-145 et al.

On December 23, 1982, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). On March 10, 1983 the DOE issued a Decision and Order concerning 223 Applications for Refund filed by resellers of Amoco middle distillates. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. In considering these applications, the DOE concluded that each of the 223 applicants should receive a refund based upon the total volume of their Amoco middle distillate purchases. The refunds granted in this proceeding totaled $150,526.

Standard Oil Company (Indiana)/Camp's Standard et al., 3/9/83; RF21-1935 et al.

On December 23, 1982, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). On March 9, 1983 the DOE issued a Decision and Order concerning 168 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. In considering these applications, the DOE concluded that each of the 168 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled $179,802.

Standard Oil Company (Indiana)/Gray's Amoco Service et al., 3/10/83; RF21-1856 et al.

On December 23, 1982, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). On March 10, 1983 the DOE issued a Decision and Order concerning 131 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. In considering these applications, the DOE concluded that each of the 131 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled $131,889.

Standard Oil Company (Indiana)/William Hawck et al., 3/11/83; RF21-2700 et al.

On December 23, 1982, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,048 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). On March 11, 1983 the DOE issued a Decision and Order concerning 145 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. In considering these applications, the DOE concluded that each of the 145 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled $140,208.

Standard Oil Company (Indiana)/J.L.G. Standard et al., 3/7/83; RF21-2222 et al.

On December 23, 1982, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). On March 7, 1983 the DOE issued a Decision and Order concerning 122 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. In considering these applications, the DOE concluded that each of the 122 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled $140,747.

Dismissals

The following submissions were dismissed:

Name and Case No.

Marie A. Asner, RF21-2095; Phillip C. Barus, RF21-1665; Rudolph J. Burich, RF21-2074; Stephen Chelap, RF21-1979; B. C. Degreeff, RF21-2564; John H. Douglas, RF21-0953; Joe Felice, Jr., RF21-1656; Lester Fisher, RF21-0036; Brian J. Foley, RF21-972; Katherine Foster, RF21-2306; John Hainline, Jr., RF21-1657; Mary A. Hillstrom, RF21-1054; George A. Hunicke, RF21-0947; Murray Isquith, RF21-1025; Thomas Kee, RF21-0976; Dorthy K. Kosmal, RF21-2113; Dennis Kunhart, RF21-0077; Patricia Kunhard, RF21-0078; Steve Kunhart, RF21-0076; F. E. Lowenstein, RF21-2108; Mary Malloy, RF21-0959; Richard O. Matson, RF21-2050; George Montgomery, RF21-1556; Max M. Mulcahy, RF21-0956; Joseph Pavelish, RF21-0974; Charles Phillips, RF21-0123; Herman S. Pihl, RF21-2086; Harry A. Ratka, RF21-1042; Charles Richards, RF21-2219; George E. Riede, RF21-0049; Martin E. Schneider, RF21-2415; A. Schultz, RF21-0996; A. F. Schultz, RF21-3003; Mildred Silvester, RF21-1662; Don M. Sloan, RF21-2993; Frances Stann, RF21-1114; Lee E. Strickler, RF21-1492; Tegeler's Standard Service, RF21-2491; The Pulaski Enterprise, RF21-1114; Phillip Thompson, RF21-2112; Frank Vazzara, RF21-1557; Thomas C. Vecchio, RF21-0736; Fred Vocca, RF21-0960; Gerhardt E. J. Voss, RF21-1112; Larry K. Warren, RF21-0877; May L. Wetherall, RF21-2169; Mr. & Mrs. John White, RF21-1852; Max L. Whitman, RF21-1789; Woolenwear Company, RF21-2237.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

April 5, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 83-9752 Filed 4-12-83; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

National Petroleum Council, Costs and Economics Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Costs and Economics Task Group of the Committee on Enhanced Oil Recovery will meet in April 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Costs and Economics Task Group meeting follows:

The Costs and Economics Task Group will hold its fifth meeting on Friday, April 22, 1983, starting at 9:00 a.m., in Conference Center Six of the Hyatt Hotel—Los Angeles Airport, 6225 West Century Boulevard, Los Angeles, California.

The tentative agenda for the Costs and Economics Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Costs and Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Costs and Economics Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas, and Shale Technology, Fossil Energy, 301/353–3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 6, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-9753 Filed 4-12-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Coordinating Subcommittee of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Coordinating Subcommittee of the NPC Committee on Enhanced Oil Recovery will meet in April 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its seventh meeting on Tuesday, April 26, 1983, starting at 8:00 a.m., in the Pavilion Room of the Rio Bravo Resort, 11200 Lake Ming Road, Bakersfield, California.

The tentative agenda for the Coordinating Subcommittee meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discuss study assignments.
3. Review task group study assignments.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Gerald J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353–2918, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 6, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-9755 Filed 4-12-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Thermal Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Thermal Task Group of the Committee on Enhanced Oil Recovery will meet in April 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Thermal Task Group meeting follows:

The Thermal Task Group will hold its fifth meeting on Monday, April 25, 1983, starting at 8:30 a.m., in the Division Conference Room, Getty Oil Company, 5329 Office Centre Court, Bakersfield, California.

The tenative agenda for the Thermal Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from Secretary of Energy.

The meeting is open to the public. The Chairman of the Thermal Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Thermal Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353–3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 6, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-9754 Filed 4-12-83; 8:45 am]

BILLING CODE 6450-01-M

Nuclear Waste Policy Act of 1982; Public Hearings on Proposed Nomination of Sites in Salt Deposits for Detailed Site Characterization, Recommendations on Issues To Be Addressed in the Environmental Assessments and Site Characterization Plans

AGENCY: Department of Energy.

ACTION: Notice of public hearing and solicitation of comments.

SUMMARY: The U.S. Department of Energy has identified potentially acceptable sites in salt deposits for a high-level radioactive waste repository and now announces public hearings on the proposed nomination of these sites for site characterization studies pursuant to Section 113 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425). These sites are: the Richton and Cypress Creek salt domes in Mississippi, the Vacherie salt dome in Louisiana, one or more sites in Deaf Smith and Swisher Counties in the Texas Panhandle, and sites in Davis and Lavender Canyons in southeastern Utah. The Department has decided to propose for nomination and conduct pre-nomination hearings in the vicinity of sites previsously identified as potentially acceptable in order to provide maximum opportunity for public comments to influence the nomination process. A site in basalt in Washington and one in tuff in Nevada have already been proposed for nomination. The basis for the final nomination of any site will be documented in an Environmental Assessment. The EA will reflect the pre-nomination hearing comments and include an evaluation as to whether the site is suitable for site characterization under the final siting guidelines prepared pursuant to Section 112 of the Act. The Department intends to nominate at least five sites and subsequently to recommend three of the nominated sites to the President in the fall of 1983. A site Characterization Plan will be developed if a site is approved by the President as a candidate site. A major objective of the site characterization activity will be the acquisition of geologic information necessary for the evaluation of the suitability of the sites for a repository. Site characterization activities at all candidate sites must be completed within the next four years to support a Departmental recommendation to the President and subsequent Presidential recommendation of a site for a repository to the Congress by March 31, 1987. This notice establishes the hearing dates and locations, and a public comment period to solicit: (1) Comments on the proposed nominations, (2) recommendations with respect to issues that should be included in Environmental Assessments supporting the nomination of each site, and (3) recommendations with respect to issues to be addressed in the Site Characterization Plan.

DATES AND ADDRESSES: The Hearings are scheduled for:

1. April 28, 1983, 4:00 to 10:00 p.m., Richton High School, Richton, Mississippi.
2. April 29, 1983, 2:00 p.m. to 9:00 p.m., Woolfolk State Office Building, 501 North West Street, Jackson, Mississippi.
3. May 3, 1983, 7:00 p.m. to 11:00 p.m., Monticello High School Auditorium, Monticello, Utah.
4. May 4, 1983, 2:00 to 9:00 p.m., Hotel Utah, Salt Lake City, Utah.
5. May 10, 1983, 2:00 p.m. to 9:00 p.m., Civic Center Auditorium, Minden, Louisiana.
6. May 12, 1983, 2:00 p.m. to 4:00 p.m., Auditorium, Jefferson Davis Campus, Gulf Coast Community College, Gulf Port, Mississippi.
7. Texas (to be determined).

Written requests to schedule time for oral presentation are due by five calendar days before the hearing in question. Written comments on issues being addressed in the hearing are due by May 18, 1983.

FOR FURTHER INFORMATION CONTACT: For requests to speak at the hearing, and for further information contact: J. O. Neff, U.S. Department of Energy, NWTS Program Office, 505 King Avenue, Columbus, Ohio 43201, Telephone: (614) 424–5916.

Written comments should be submitted to: J. O. Neff, U.S. Department of Energy, NWTS Program Office, 505 King Avenue, Columbus, Ohio 43201. Telephone: (614) 424–5916.

SUPPLEMENTAL INFORMATION:

Public Hearings

Hearings will be conducted by the Department of Energy in Richton, Mississippi on April 28, 1983; Jackson, Mississippi on April 29, 1983; Monticello, Utah on May 3, 1983; Salt Lake City, Utah on May 4, 1983; Minden, Louisiana on May 10, 1983; and Gulf Port, Mississippi, on May 12, 1983. The dates and locations for the Texas hearings will be provided in a future Federal Register Notice. The purpose of these hearings is to inform the public of the activities and considerations that led to these proposed nominations and to receive comments. To support site nominations, the Department of Energy will develop Environmental Assessments that address site characterization activities. Pub. L. 97–425, Section 112(b)(1)(E), identifies issues that must be addressed by the Environmental Assessment.[1] An additional purpose of the Hearings is to solicit and receive recommendations with respect to specific issues that should be addressed in the aforementioned Environmental Assessment and also specific issues that should be addressed in any Site Characterization Plan which would subsequently be issued, if and when the location is approved by the President as a candidate site for site characterization. Also, the Department intends to provide the public and the States an opportunity to review and comment on a draft of the Environmental Assessments prior to their being finalized to support the site nominations.

Presentations

Parties interested in providing oral presentations at the Hearing may request time not to exceed ten minutes for the purpose of delivering that presentation. A typewritten copy of the presentation is requested and should be delivered to the presiding officer before being presented at the Hearing. Requests for scheduled presentation must be written and mailed or delivered so as to be received at the address noted above no later than five calendar days before the hearing in question. A person scheduled to appear at the hearing will be notified by DOE of his or her participation. Requests to speak should include a telephone number where the person can be reached up to the day of the hearing.

Individuals who do not make advance requests to speak at the Hearing may register to speak with the presiding officer prior to the start of the Hearing. An opportunity to speak will be provided to these individuals if time permits. However, time for these unscheduled presentations will be limited, depending on the number of requests received and time available.

Written Comments

Parties may also submit written comments on the proposed nomination; the issues to be addressed in the Environmental Assessment; and the issues to be addressed in any Site Characterization Plan. These comments will be added to the Hearing transcript

[1] Pursuant to Section 112a, proposed general guidelines for the recommendation of sites for repositories were published in the **Federal Register** on February 7, 1983 (48 FR 5670).

and constitute the official departmental record of the Hearing. Written comments should be mailed to reach the address noted above by May 18, 1983.

Conduct of Hearing

DOE reserves the right to arrange the schedule of presentations to be heard and to establish additional procedures governing the conduct of the Hearing. Questions may be asked only by those conducting the Hearing. Cross examination of persons presenting statements will not be permitted. Any further procedural rules needed for the proper conduct of the Hearing will be announced by the presiding officer.

Transcripts of the Hearing will be made, and the entire record of the Hearing, including the transcripts, will be retained by DOE and made available for inspection at public libraries in the vicinity of the proposed site, at the public document room, DOE Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. Any person may purchase a copy of the transcript of the Hearing from the reporter so identified by the presiding officer.

Additional copies of the complete transcripts will also be available at the public document centers noted below:

Albuquerque Operations Office, National Atomic Museum, Kirkland Air Force Base East, Albuquerque, New Mexico;
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho;
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada;
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee;
Richland Operations Office, Federal Building, Richland, Washington;
San Francisco Operations Office, Wells Fargo Building, 1333 Broadway, Oakland, California;
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

For the Department of Energy, April 7, 1983.

Donald Paul Hodel,

Secretary of Energy.

[FR Doc. 83-9756 Filed 4-12-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-315; PH-FRL 2342-1]

Certain Companies; Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and food additive petitions, relating to the establishment, correction, and/or withdrawal of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to: Production Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number (PF–315) and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, 703–557–2386.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and food additive petitions relating to the establishment, correction, and/or withdrawal of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

I. Initial Filing

FAP 3H5387. Shell Oil Co., 1025 Connecticut Ave., NW., Washington, D.C. 20036. Proposes to amend 21 CFR 193.236 by establishing a tolerance for residues of the insecticide hexakis (2-methyl-2-phenylpropyl) distannoxane in or on the commodity dried prunes at 20.0 parts per million (ppm).

II. Amendment

PP 5F1547. Mobay Chemical Corp., P.O. Box 4913, Hawthorn Rd., Kansas City, MO 64120. EPA issued a notice, published in the **Federal Register** of August 11, 1982 (47 FR 34852), that announced that Mobay Chemical Corp., filed pesticide petition 5F1547 proposing the establishment of tolerances for residues of the insecticide *O,O*-dimethyl *S*-[(4-oxo-1,2,3-benzotriazin-3(4*H*)-yl)methyl] phosphorodithioate in or on the comodities corn fodder and forage at 5 ppm and field corn grain at 0.1 ppm, which was subsequently amended increasing the level for corn grain to 0.3 ppm and establishing a tolerance for corn grain, pop at 0.3 ppm and increasing the levels for corn fodder and forage to 10.0 ppm.

The petition was further amended by proposing a tolerance for eggs at 0.05 ppm. The proposed analytical method for determining residues is by gas chromatographic procedure with a thermionic detector for phosphorus.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: March 29, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-9004 Filed 4-12-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180620; PH-FRL 2341-5]

Pesticides; Emergency Exemptions; Alabama Department of Agriculture and Industry, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests in the States listed below. Also listed are four crisis exemptions initiated by four States.

DATES: See each specific and crisis exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each specific and crisis exemption for the name of the contact person. The following information applies to all contact people: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202; (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Alabama Department of Agriculture and Industry for the use of benomyl on wheat to control powdery mildew; February 25, 1983 to May 30, 1983. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; the final determination was published in the **Federal Register** of October 20, 1982 (47 FR 46747). (Jim Tompkins)

2. California Department of Food and Agriculture for the use of paraquat on dry beans (including mung beans) as a desiccant; March 7, 1983 to December 31, 1983. (Gene Asbury)

3. California Department of Food and Agriculture for the use of Metalaxyl on broccoli, cauliflower, and crucifers grown for seed to control downy mildew; February 24, 1983 to December 23, 1983. California had initiated a crisis exemption for this use. (Libby Welch)

4. California Department of Food and Agriculture for the use of metalaxyl on green onions to control downy mildew; February 24, 1983 to December 30, 1983. California had initiated a crisis exemption for this use. (Libby Welch)

5. California Department of Food and Agriculture for the use of triadimefon on grapes to control powdery mildew; February 9, 1983 to December 31, 1983. EPA registered this use on January 25, 1983, but California requires a mandatory 45-day public posting of proposed pesticide registrations prior to State registration. (Gene Asbury)

6. California Department of Food and Agriculture for the use of metalaxyl on hops to control downy mildew; February 15, 1983 to January 1, 1984. (Jim Tompkins)

7. Connecticut Department of Environmental Protection for the use of azimethiphos in layer poultry houses to control flies; February 10, 1983 to December 31, 1983. (Jim Tompkins)

8. Florida Department of Agriculture and Consumer Service for the use of azimethiphos in poultry houses to control flies; February 24, 1983 to December 31, 1983. (Jim Tompkins)

9. Maryland Department of Agriculture for the use of formetanate hydrocholoride on strawberries to control two-spotted spider mites; March 7, 1983 to November 30, 1983. (Jim Tompkins)

10. Maryland Department of Agriculture for the use of acephate on non-bell peppers to control European corn borers; March 10, 1983 to October 1, 1983. (Gene Asbury)

11. Michigan Department of Agriculture for the use of oxyflurofen on dry bulb onions to control broadleaf weeds; March 4, 1983 to August 31, 1983. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; the final determination was published in the **Federal Register** of June 23, 1982 (47 FR 27118). (Jim Tompkins)

12. Michigan Department of Agriculture for the use of acephate on non-bell peppers to control European corn borers; February 24, 1983 to October 1, 1983. (Jim Tompkins)

13. Michigan Department of Agriculture for the use of metolachlor on cole crops (broccoli, Brussels sprouts, cabbage, and cauliflower) to control weeds; February 17, 1983 to July 31, 1983. (Gene Asbury)

14. Nebraska Deparment of Agriculture for the use of azimethiphos in poultry houses to control flies; February 24, 1983 to December 31, 1983. (Jim Tompkins)

15. New Jersey Department of Environmental Protection for the use of acephate on non-bell peppers to control European corn borers; March 7, 1983 to October 1, 1983. (Gene Asbury)

16. New Jersey Department of Environmental Protection for the use of azinphosmethyl on carrots to control carrot weevils; March 4, 1983 to July 31, 1983. (Gene Asbury)

17. New York Department of Environmental Conservation for the use of fenamiphos on apple trees (bearing) to control nematodes; February 15, 1983 to May 31, 1983. (Gene Asbury)

18. New York Department of Environmental Conservation for the use of azinphosmethyl on carrots to control carrot weevils; February 16, 1983 to September 30, 1983. (Gene Asbury)

19. North Carolina Department of Agriculture for the use of captafol on strawberries to control anthracnose; May 1, 1983 to September 30, 1983. (Libby Welch)

20. Oregon Department of Agriculture for the use of azimethiphos in layer poultry houses to control flies at the Oregon State University Poultry Research Facility; February 10, 1983 to July 30, 1983. (Jim Tompkins)

21. Oregon Department of Agriculture for the use of chlorothalonil on wheat to control *Septoria* glume blotch; March 8, 1983 to July 31, 1983. (Gene Asbury)

22. Pennsylvania Department of Agriculture for the use of mevinphos on watercress to control aphids; March 10, 1983 to October 31, 1983. (Jim Tompkins)

23. Tennessee Department of Agriculture for the use of captafol on strawberries to control anthracnose; May 1, 1983 to September 30, 1983. (Libby Welch)

24. Washington Department of Agriculture for the use of methomyl on caneberries to control spotted cutworms, obliquebanded leafrollers, and the orange tortrix; March 7, 1983 to September 30, 1983. (Jim Tompkins)

25. Washington Department of Agriculture for the use of metalaxyl on raspberries to control root rot; February 25, 1983 to November 30, 1983. (Jim Tompkins)

26. West Virginia Department of Agriculture for the use of fenamifos on apple trees (bearing) to contol nematodes (American dagger); February 4, 1983 to April 30, 1983. (Gene Asbury)

Crisis exemptions were initiated by the:

1. Arkansas State Plant Board on February 7, 1983, for the use of temephos on the Sulfur River to control buffalo gnats (black fly). The program ended on February 12, 1983. (Gene Asbury)

2. California Department of Food and Agriculture on February 17, 1983, for the use of triforine on almonds to control brown rot. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The need for this program is expected to last until March 15, 1983. (Libby Welch)

3. New Mexico Department of Agriculture on February 11, 1983, for the use of oryzalin on alfalfa to control foxtail grass. Since it was anticipated that this program would be needed for more than 15 days, New Mexico has requested a specific exemption to continue it. The need for this program is expected to last until April 1, 1983. (Libby Welch)

4. Texas Department of Agriculture on February 12, 1983, for the use of temephos on the Sulfur River to control buffalo gnats (black fly). The program ended on February 12, 1983. (Gene Asbury)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: March 28, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-9078 Filed 4-12-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30226; PH-FRL 2341-8]

Certain Companies; Applications to Register Pesticide Products Containing New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered pesticide products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comments by May 13, 1983.

ADDRESS: Written comments, identified by the document control number (OPP-30226) and the file symbol, should be submitted to: Product Manager (PM), Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: The product manager at the telephone number cited.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered pesticide products pursuant to the provisions of section 2(c)(4) of FIFRA. Notice of receipt of these applications does not imply a

decision by the Agency on the applications.

Applications Received

1. File Symbol: 3240–GA. Applicant: Bell Laboratories, Inc., Madison, WI 53704. Product name: Ouintox 11 Rat and Mouse Bait. Rodenticide. Active ingredient: 1-Alpha-hydroxycholecalciferol .001%. Proposed classification/Use: General. For use in and around buildings. (Product Manager (PM) 16-William Miller, (703–557–2600)).

2. File Symbol: 39541–EE. Applicant: Montedison USA, Inc., 1114 Avenue of the Americas, New York, NY 10036. Product name: Technical Galden Fungicide. Fungicide. Active ingredient: *N*-(2,6-Dimethylphenyl)-*N*-(phenylacetyl)-DL-alanine methyl ester 94–96%. Proposed classification/Use: General. For formulating use only. (PM 21-Henry Jacoby, (703–557–1900)).

3. File Symbol: 100–AUG. Applicant: Ciba-Geigy Corp., PO Box 18300, Greensboro, NC 27419. Product Name: CGA–12223 4E Insecticide. Insecticide. Active ingredient: *O*-(5-Chloro-1-[methylethyl]-1*H*-1,2,4-triazol-3-yl) *O,O*-diethyl phosphorothioate 46.8%. Proposed classification/Use: General. For the control of insects on turf. (PM 16-William Miller, (703–557–2600)).

4. File Symbol: 33753–R. Applicant: The Boots Co., PLC. Nottingham, NG2 3AA, U.K. Product name: Bronopol-Boots. Disinfectant. Active ingredient: 2-Bromo-2-nitro-1,3-propanediol 98%. Proposed classification/use: General. A technical product for formulating biocides. (PM 31-John Lee, 703–557–3663).

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: March 30, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-9083 Filed 4-12-83; 8:45 am]

BILLING CODE 6560-50-M

[SAB–FRL 2344–3]

Science Advisory Board; High-Level Radioactive Waste Disposal Subcommittee; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a two-day meeting of the High-Level Radioactive Waste Disposal Subcommittee of the Science Advisory Board will be held in Conference Room 2117, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., on May 2–3, 1983. The meeting will begin at 9:00 a.m. and last until 5:00 p.m. each day.

The purpose of the meeting will be to continue the review of the scientific and technical basis of the Agency's proposed rules for the management and disposal of high-level radioactive wastes. The members of the Subcommittee, and the principal issues for the Subcommittee's consideration, were announced in the **Federal Register**, Wednesday, January 5, 1983, page 509.

The agenda for the meeting, which is the fourth in a series of meetings on the proposed rules, will include review of the geochemistry/ground water transport aspect of the proposed rules, briefings by Agency personnel on various risk-assessment methods in use in the Agency, and discussions on limiting disposal options to depositories located in geologic media.

The meeting is open to the public. Any member of the public wishing to attend 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 comment 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 25, 1983, in order to be placed on the agenda.

Dated: April 6, 1983.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 83-9738 Filed 4-12-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP–00164; PH–FRL 2344–7]

State FIFRA Issues Research and Evaluation Group Working Committees; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a two-day meeting of the Working Committee on Registration and Classification of the State FIFRA Issues Research and Evaluation Group (SFIREG) and a two-day meeting of the SFIREG Working Committee on Enforcement and Certification to discuss various aspects of pesticides. The meetings will be open to the public.

DATES: The Working Committee on Registration and Classification will meet on Tuesday and Wednesday, May 3 and 4, 1983. The Working Committee on Enforcement and Certification will meet on Thursday and Friday, May 5 and 6, 1983. The meetings of both committees will start at 8:30 a.m. each day.

ADDRESS: Both meetings will be held at: Hilton Plaza Inn, 45th and Main Sts., Kansas City, MO 64111, (816–753–7400).

FOR FURTHER INFORMATION CONTACT: Philip H. Gray, Jr., Office of Pesticide Programs (TS–766C), Environmental Protection Agency, Rm. 1115B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7096).

SUPPLEMENTARY INFORMATION: The meeting of the Working Committee on Registration and Classification will be concerned with the following topics:

1. Label Improvement Program—storage and disposal statement.
2. Use of termiticides at less than label rate.
3. EPA review process for section 24(c) registrations.
4. Use of vetgetable oil as a diluent in LV/ULV applications.
5. Status of the Pesticide Incident Monitoring System.
6. Issuance of tolerances based on geographically limited data.
7. Classification of small size containers of methyl bromide.
8. Release of pesticide registration data to the States.
9. The National Forest Products Association's (NFPA) proposed policy for the use of pesticides in forest nurseries and seed orchards under section 2(ee).
10. Other topics as appropriate.

The meeting of the Working Committee on Enforcement and Certification will be concerned with the following topics:

1. Termiticides—air sampling and possible tolerances.
2. Child-resistant packaging regulation and enforcement.
3. Combatting adverse publicity given to pesticides.
4. Development of a tracking system for State referrals to EPA.
5. Development of a system to inform the States and EPA when enforcement actions are taken.
6. Acceptable exposure limits for workers in areas where fumigants have been used.
7. National advertising of section 18 and 24(c) registrations.
8. Response to the Pesticide Users Advisory Committee working paper on certification.
9. NFPA's proposed policy for the use of pesticides in forest nurseries and seed orchards under FIFRA section 2(ee).
10. Priority to be given to marketplace surveillance by States.
11. The determination of environmental results measurements from enforcement programs.
12. Priority setting for enforcement needs.
13. Verbal claims concerning pesticidal use for non-registered products.
14. Modification of PTSED FIFRA Compliance Program Policy No. 12.2 "Closed Application Systems" to permit State discretion in taking enforcement action.
15. Other topics as appropriate.

Dated: April 4, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-9741 Filed 4-12-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-320; PH-FRL 2344-8]

Certain Companies; Pesticide and Feed Additive Petitions; FMC Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-320] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initial filing

1. *PP 3F2824, PP 3F2825.* FMC Corp., 2000 Market St., Philadelphia, PA 19103. Proposes amending 40 CFR Part 180 by establishing tolerances for residues of the insecticide (±) cyano (3-phenoxyphenyl)methyl (±) *cis/trans* 3-(2,2-dichloroethenyl)-2,2 dimethylcyclopropanecarboxylate in or on the raw agricultural commodities lettuce at 4.0 parts per million (ppm) (PP 3F2824) and tomatoes at 0.6 ppm (PP 3F2825). The proposed analytical method for determining residues is gas chromatography. (PM-17, Franklin Gee, 703-2690).

2. *FAP 3H5386.* FMC Corp. Proposes amending 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide (±) cyano (3-phenoxyphenyl) methyl (±) *cis/trans* 3-(2,2-dichloroethenyl)-2,2 dimethylcyclopropanecarboxylate in or on dry tomato pomace at 36.0 ppm. (PM-17, Franklin Gee, 703-557-2690).

3. *PP 3F2846.* E. I. du Pont de Nemours and Company, Wilmington, DE 19898. Proposes amending 40 CFR 180.396 by establishing tolerances for the combined residues of the herbicide hexazinone [3-cylohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4, (1*H*,3*H*)-dione] and its metabolites (calculated as hexazinone) in or on the raw agricultural commodities pineapple (whole fruit) at 0.5 ppm and pineapple forage at 5 ppm. The proposed analytical method for determining residues is nitrogen selective gas chromatography. (PM-23, Richard Mountfort, 703-557-1830).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: April 5, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-9739 Filed 4-12-1983; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-674-DR]

Illinois; 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 Illinois (FEMA-674-DR), dated December 13, 1982, and related determinations.

DATE: April 5, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Illinois dated December 13, 1982, 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 December 13, 1982.

For Public Assistance:
Marquette High School in La Salle County.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance. Billing Code 6718-02)

Dave McLoughlin,

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

[FR Doc. 83-9674 Filed 4-12-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL HOME LOAN BANK BOARD

Senior Executive Service; Performance Awards; Schedule for Awarding Bonuses

In accordance with the Office of Personnel Management directive dated July 21, 1980, the Federal Home Loan Bank Board hereby gives notice that SES bonuses will be awarded on or after April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Doris H. McGhee, Director of Personnel,

Federal Home Loan Bank Board, (202) 377-6050.

J. J. Finn,

Secretary to the Board, Federal Home Loan Bank Board.

[FR Doc. 83-9688 Filed 4-12-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-21; Agreement No. 5700-29]

Modification of New York Freight Bureau; Order of Investigation and Hearing

Agreement No. 5700-29 was filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814), on August 24, 1981. Agreement No. 5700-29 would modify the New York Freight Bureau (NYFB) [1] conference agreement by extending the scope of the basic agreement to include inland points or ports in the United States via Atlantic and Gulf Coast ports.[2] In addition, Agreement No. 5700-29 would extend NYFB's ratemaking authority to include through and joint rates, but would allow the individual members to file their own intermodal tariffs until the Conference files an intermdal tariff or tariffs publishing joint or through water-rail and/or truck rates.[3]

Because Agreement No. 5700-29 would extend ratemaking authority, it must be justified under the *Svenska* standard.[4] Specific guidelines for determining whether requested intermodal authority is justified under *Svenska* are set forth in *U.S. Atlantic & Gulf/Australia—New Zealand Conference (Agreement No. 6200-20—Intermodal Authority)*, 21 S.R.R. 89 (1981).

The Commission conditionally disapproved the Agreement by Order issued November 18, 1982, because Proponents had not demonstrated that the proposed intermodal authority was necessary to meet a serious transportation need or that it would provide important public benefits not now available through the intermodal services provided by the individual carriers. The Commission ordered Agreement No. 5700-29 disapproved effective January 21, 1983, unless on or before January 20, 1983, one or more of the member lines of NYFB filed with the Commission's Secretary a request for further hearing. The Commission also ordered that any request for further hearing be accompanied by a detailed recital of the facts that Proponents intended to prove, a description of the evidence intended to be used to prove such facts, and an explanation why the facts Proponents intended to prove would support approval of the agreement.

On January 20, 1983, Proponents filed a "Request for Further Hearing" which set forth a detailed recital of the facts which Proponents contend that they will prove in a further hearing. These contentions, if established by probative evidence, would appear to be sufficient to support approval of the Agreement under the guidelines set forth in *Agreement No. 6200-20, supra.*

Therefore it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821) an investigation and hearing is instituted to determine if Agreement No. 5700-29 should be approved, disapproved or modified;

It is further ordered, That the parties listed in Appendix A attached hereto are designated as Proponents in this proceeding;

It is further ordered, That pursuant to Rule 42 of the Commission Rules of Practice and Procedure (46 CFR 502.42), the Commission's Bureau of Hearing Counsel shall be a party to this proceeding;

It is further ordered, That this matter is assigned to an Administrative Law Judge for public hearing and decision at a date and place to be hereafter determined by the Administrative Law Judge. This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue otherwise requires an oral hearing and cross-examination for the development of an adequate record;

It is further ordered, That Proponents shall submit two copies of their direct case to the Secretary of the Commission, and one copy to each of the parties to this proceeding, on or before a date to be determined by the Administrative Law Judge;

It is further ordered, That discovery shall be in accordance with the procedures set forth in Rule 201 of the Commission's Rules of Practice and Procedure (46 CFR 502.201), but shall not commence until the receipt by the Commission of Proponents' direct case on or before a date to be determined by the Administrative Law Judge;

It is further ordered, That after completion of such discovery, all parties shall have an opportunity to submit written rebuttal testimony in accordance with a procedural schedule to be established by the Administrative Law Judge;

It is further ordered, That persons other than those already parties to this proceeding who desire to be parties to this proceeding and to participate herein shall file a petition for leave to intervene pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy thereof be served upon all parties named herein;

It is further ordered, That hearings in this proceeding shall commence no more than six months from the date of publication of this Order in the **Federal Register**; and

It is further ordered, That, all documents submitted by any party in this proceeding be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix A

1. New York Freight Bureau
2. Japan Line, Ltd.
3. Mitsui OSK Lines, Ltd.
4. Nippon Yusen Kaisha
5. Yamashita-Shinnihon S.S. Co., Ltd.

[FR Doc. 83-9655 Filed 4-12-83; 8:45 am]

BILLING CODE 6730-01-M

[1] NYFB IS A CONFERENCE CONSISTING OF Japan Line, Ltd.; Mitsui OSK Lines, Ltd.; Nippon Yusen Kaisha; and Yamashita-Shinnihon S.S. Co., Ltd.

[2] NYFB's basic agreement covers the all-water trade from Hong Kong, Macao and Taiwan to United States Atlantic and Gulf ports. However, the members presently provide direct all-water service only to Atlantic Coast ports.

[3] NYFB previously possessed intermodal authority but allowed it to lapse without ever having implemented it.

[4] *Federal Maritime Commission v. Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968).

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of February 8-9, 1983

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on February 8-9, 1983.[1]

The following domestic policy directive was issued to the Federal Reserve Bank of New York:

[1] The Record of Policy Actions of the Committee for the meeting of February 8-9, 1983, is filed as part of the original document. Copies are available upon request to The Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation further, promote a resumption of growth in output on a sustainable basis, and contribute to a sustainable pattern of international transactions. In establishing growth ranges for monetary and credit aggregates for 1983 in furtherance of these objectives, the Committee recognized that the relationships between such ranges and ultimate economic goals have been less predictable over the past year; that the current impact of new deposit accounts on growth rates of monetay aggregates cannot be determined with a high degree of confidence; and that the availability of interest on large portions of transaction accounts, declining inflation, and lower market rates of interest may be reflected in some changes in the historical trends in velocity. A substantial shift of funds into M2 from market instruments, including large certificates of deposit not included in M2, in association with the extraordinarily rapid build-up of money market deposit accounts has distorted growth in that aggregate during the current quarter.

In establishing growth ranges for the aggregates for 1983 against this background, the Committee felt that growth in M2 might be more appropriately measured after the period of highly aggressive marketing of money market deposit accounts has subsided. The Committee also felt that a somewhat wider range was appropriate for monitoring M1. Those growth ranges will be reviewed in the spring and altered, if appropriate, in the light of evidence at that time.

The information reviewed at this meeting indicates that real GNP declined in the fourth quarter because of a sharp reduction in business inventories. Final sales increased appreciably, and the rise in prices remained much less rapid than in 1981. Retail sales and housing activity have strengthened in recent months, but business fixed investment has weakened further. Nonfarm payroll employment rose in January, after an extended period of declines, and the civilian unemployment rate fell 0.4 percentage point to 10.4 percent. In recent months the advance in the index of average hourly earnings has slowed further.

The weighted average value of the dollar against major foreign currencies depreciated moderately further from mid-December to mid-January, but a subsequent appreciation has more than offset that decline. In the fourth quarter the U.S. merchandise trade deficit was close to the relatively high third-quarter rate.

Growth of M2 surged to an extraordinary pace in January, apparently reflecting shifts of funds into recently authorized money market deposit accounts. Growth of M3 accelerated, following very slow expansion in December. Growth of M1 remained rapid in January, although it was down appreciably from the average pace in other recent months. Market interest rates on U.S. Treasury obligations have risen somewhat since the latter part of December, while rates on most private market instruments are about unchanged to slightly higher. Mortgage rates have declined further.

With these understandings, the Committee established the following growth ranges: for the period from February–March of 1983 to the fourth quarter of 1983, 7 to 10 percent at an annual rate for M2, taking into account the probability of some residual shifting into that aggregate from non-M2 sources; and for the period from the fourth quarter of 1982 to the fourth quarter of 1983, 6½ to 9½ percent for M3, which appears to be less distorted by the new accounts. For the same period a tentative range of 4 to 8 percent has been established for M1, assuming that Super Now accounts draw only modest amounts of funds from sources outside M1 and assuming that the authority to pay interest on transaction balances is not extended beyond presently eligible accounts. An associated range of growth for total domestic nonfinancial debt has been estimated at 8½ to 11½ percent.

In implementing monetary policy, the Committee agreed that substantial weight would be placed on behavior of the broader monetary aggregrates, expecting that current distortions in M2 from the initial adjustment to the new deposit accounts will abate. The behavior of M1 will be monitored, with the degree of weight placed on that aggregate over time dependent on evidence that velocity characteristics are resuming more predictable patterns. Debt expansion, while not directly targeted, will be evaluated in judging responses to the monetary aggregates. The Committee understood that policy impelementation would involve continuing appraisal of the relationships between the various measures of money and credit and nominal GNP, including evaluation of conditions in domestic credit and foreign exchange markets.

For the more immediate future, the Committee seeks to maintain the existing degree of restraint on reserve positions. Lesser restraint would be acceptable in the context of appreciable slowing of growth in the monetary aggregates to or below the paths implied by the long-term ranges, taking account of the distortions relating to the introduction of new accounts. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 6 to 10 percent.

By order of the Federal Open Market Committee, April 5, 1983.

Stephen H. Axilrod,

Secretary.

[FR Doc. 83-9665 Filed 4-12-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Commission Determination Re Barclay Cigarettes; Amendment of Report of "Tar," Nicotine, and Carbon Monoxide Content of 208 Varieties of Cigarettes; Request for Comment on Possible Testing Modifications

AGENCY: Federal Trade Commission.

ACTION: Announcement of Commission Determination, Amendment of Past Report, and Request for Comment on Possible Testing Modifications.

SUMMARY: This document announces the Commission's determination that the present FTC testing methodology does not assess accurately Barclay cigarettes and requests comment on possible testing modifications. In accordance with this determination the Commission is amending its March, 1983 *Report of "Tar," Nicotine and Carbon Monoxide of the Smoke of 208 Varieties of Cigarettes*, 48 FR 13268 (March 30, 1983).

ADDRESS: Comments should be filed in Room 130, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580, no later than June 30, 1983.

FOR FURTHER INFORMATION CONTACT: Judith P. Wilkenfeld, Federal Trade Commission, Bureau of Consumer Protection, (202) 724–1499, Washington, D.C. 20580.

SUPPLEMENTRY INFORMATION: In June, 1981 the Federal Trade Commission initiated an inquiry to examine allegations that its current "tar," nicotine, and carbon monoxide testing methodology, with the specifications as set forth in the Commission's announcements of July 31, 1967, 32 FR 11178, and January 18, 1979, 44 FR 3777,

does not assess accurately Barclay cigarettes.

The Commission's inquiry has been assisted by extensive comments and scientific studies submitted by Lorillard, R.J. Reynolds and Philip Morris, as well as Brown and Williamson, the manufacturer of Barclay cigarettes. The Commission also utilized three independent consultants to review the information submitted by these companies and make recommendations to the Commission and its staff. The consultants' reports were subsequently circulated to the companies for further comment.

Based on the information developed during the inquiry, the Commission has determined that its present testing methodology for "tar," nicotine, and carbon monoxide does not measure accurately Barclay cigarettes. The Commission has therefore determined it will not accept test results based on the current FTC method as substantiation for claims made about the "tar," nicotine, and carbon monoxide content of all varieties of Barclay cigarettes.

Without a new testing methodology, precise statements as to the appropriate "tar", nicotine, and carbon monoxide rankings for Barclay cigrettes are not possible. Independent estimates by the Commission's consultants for Barclay 80's and 85's, which are ranked by the present method as 1 mg. "tar" cigarettes, range from 3 to 7 mg. "tar." Similarly, the relative delivery of nicotine and carbon monoxide of these products is greater than suggested by the present FTC tests.

The Commission is therefore amending its March, 1983 *Report of "Tar," Nicotine and Carbon Monoxide of the Smoke of 208 Varieties of Cigarettes*, 48 FR 13268, by appending copies of this Notice to the Report. By this action, the Commission does not mean to imply that Brown and Williamson, the manufacturer of Barclay cigarettes, has violated any provision of the Federal Trade Commission Act for its past use and reliance on the FTC method to assess "tar", nicotine, and carbon monoxide levels. Unless and until the Commission adopts a new testing methodology that is able to measure Barclay cigarettes accurately, however, future reports will not include test results for these cigarettes.

The Commission has further determined that there is a significant likelihood that the current testing method does not assess accurately Brown and Williamson's Kool Ultra and Kool Ultra 100's each of which uses the Actron filter design used in Barclay cigarettes. The Commission is today requesting comment on the following limited issues: (1) Are Kool Ultra and Kool Ultra 100's assessed accurately by the current FTC method? (2) If not, how should these products be assessed?

The Commission wishes to reiterate that its "tar", nicotine, and carbon monoxide data are for comparative purposes only. How much "tar", nicotine, and carbon monoxide a particular cigarette delivers depends on the way it is smoked. "Tar", nicotine, and carbon monoxide delivery per cigarette will increase if the cigarette is inhaled more deeply, or puffed more frequently, by the smoker. If consumers who switch to lower yield cigarettes change their smoking pattern, for example, by smoking more cigarettes per day, they may receive a greater yield than suggested by the FTC test results.

All ventilated filter cigarettes pose a special problem. Many "lower tar" cigarettes achieve lower yields in part by use of a ventilated filter. Perforated holes or vents on the filter allow air to mix with the smoke during puffing, thus diluting the smoke and decreasing the yield. If the holes or vents are blocked, however, delivery will increase. Consumers will only achieve the relative "tar", nicotine, and carbon monoxide yields suggested by FTC tests for ventilated filter cigarettes if they avoid blocking the holes or vents on the filter with their lips or fingers while smoking the cigarettes.

If consumers avoid blocking ventilation holes, cigarettes smoked in the same fashion will yield "tar", nicotine, and carbon monoxide in general accordance with their relative FTC rankings. The Barclay filter, however, poses a unique problem. Reduced ventilation when smoking Barclay apparently occurs inevitably and cannot be avoided by informed consumers except by use of a cigarette holder. Therefore, the Commission is taking this action to correct the "tar", nicotine, and carbon monoxide figures for Barclay cigarettes previously disclosed in the FTC's 1983 Report.

Based on the evidence obtained in this inquiry, the Commission decided in June 1982 to solicit comments on proposals to modify its testing machine so that the relative yields of all cigarettes, including Barclay, may be assessed accurately. The Commission prepared a statement that shows how it determined that it needed to explore possible testing modifications. The Commission's statement and the underlying evidence are now under seal by a court order. Several members of the cigarette industry who participated in the investigation had access to the evidence prior to the imposition of the seal. The statement and the evidence, if available, would be helpful to those parties who did not participate in the investigation in preparing informed comment in response to this notice. The Commission does not know whether or when the court order sealing the evidence will be lifted. Therefore, to avoid further delay, the Commission has decided to seek public comment now rather than waiting to see if the seal will be lifted.

The Commission is seeking comments on each of the following proposed holders for its testing machine:

(A) The MK II "Filtrona" holder, manufactured by Cigarette Components Ltd. of London and sold in the United States by American Filtrona Corp., Richmond, Virginia. This holder increases the pressure on the filter, thereby reducing air flow through the channels on the Barclay-type filter.

(B) A modified version of the Cambridge holder currently used on the machine, containing a ring of foam rubber so as to abut the mouth end of the cigarette and block the exit channels on the Barclay-type filter.

(C) A cigarette holder designed so that one or more of the ventilation channels on the Barclay filter are blocked.

Each of these holders is intended to simulate the reduction in ventilation that occurs when humans smoke Barclay. The Commission has not yet determined whether any of these modifications are technically feasible and practicable, or whether some other modification will insure that all cigarettes, including Barclay can be ranked accurately.

The Commission also is requesting comments on the following specific questions and any other issues relevant to possible modifications of its testing methodology given the Commission's determinations regarding Barclay:

(1) Which of the proposed modifications, or what other modification, would yield the most appropriate test results for all cigarettes, given the Commission's finding in this matter and the consultants' estimates of Barclay's tar delivery?

(2) How quickly and easily, and at what cost, could the Commission implement each of the proposed modifications, or any other proposed modifications?

(3) Regarding proposal (C), which would more appropriately rank Barclay cigarettes—for example, a holder blocking two channels or one blocking three channels?

(4) Does the current FTC method accurately assess the relative "tar," nicotine, and carbon monoxide of Kool Ultra and Kool Ultra 100's each of which utilizes the Actron filter utilized in

Barclay? If not, how should these products be assessed?

(5) Given the Commission's findings, what action other than modification of the testing methodology, if any, is appropriate?

(6) Would there be unintended consequences from modifying the cigarette testing method and/or machine? What effect might modification have upon possible innovation in the cigarette design?

(7) Should the Commission further examine the implications for its testing program of the issues raised by compensatory smoking behavior, including hole blocking, when consumers smoke lower "tar" cigarettes? What is the evidence that smokers use higher "tar" cigarettes differently than lower "tar" cigarettes? What is the evidence regarding the extent of hole blocking by smokers of different ventilated filter cigarettes? How does behaviorally reduced air dilution affect the relative rankings of various brands? Are there problems regarding compensatory smoking behavior which are significant enough to warrant further exploration of changes in the method, beyond those necessitated by the Commission's findings concerning Barclay? What lines of inquiry would generate the most useful information if such an examination is undertaken? For example, should the Commission explore a system of categories or "bands" of "tar" content rather than specific numerical estimates? Also, should consumers be advised that the cigarettes' actual "tar" delivery depends on how it is smoked?

In addition to responses to these questions, the Commission will carefully consider any additional research, such as studies of blood cotinine in smokers and air dilution in ventilated filter cigarettes, or other relevant information bearing on the appropriate relative rankings of these products.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-9699 Filed 4-12-83; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR D-195]

Public Buildings and Space; Agency Space Reduction Plan

March 28, 1983.

1. *Purpose.* This bulletin establishes the format, the data required, and the completion date for Agency Space Reduction Plans, as well as the first interim space reduction target as required by FPMR Temporary Regulation D-68, submission of space plans.

2. *Expiration date.* This bulletin expires June 30, 1983.

3. *Background.* Pursuant to the President's goal of reducing the size and cost of Government and to ensure more efficient use of space and facilities assigned to Federal agencies, FPMR Temporary Regulation D-68, was issued revising the policy and procedures governing the assignment and utilization of GSA controlled space.

FPMR 101-17.303 requires Federal agencies to develop an annual agency-wide space plan that will achieve significant reductions in GSA controlled space; when fully implemented achieve the objective of a Government-wide office space utilization rate of 135 square feet per person. GSA is responsible for establishing interim targets, approving each agency's space plan and reporting on implementation progress. This bulletin specifies the first interim target, the plan's format, and completion date.

4. *Scope.* Each Agency Space Reduction Plan must cover the entire inventory of space assigned to the agency by GSA. The plan must include a narrative summary addressing future projections of space requirements, personnel forecasts, and target office space utilization rates. Future requirements should be addressed by region and by geographic areas within the United States. Reductions and expansions of activities should be supported by planned programmatic changes or projected demographic movement. Specific goals related to organizational components of the agency should be included as applicable. Where formal Space Allocation Standards exist between GSA and the responding agency, the narrative summary should discuss the agency's intentions with respect to early reexamination of those standards in order to improve office space utilization rates.

The Agency Space Reduction Plan must also be assignment-specific; that is, it must contain a plan for all current assignments as well as space under request indicating what actions the agency plans in terms of reductions, realignments, relocations, etc. GSA will provide data on all current assignments (see paragraph 7 below) as assistance to agencies in developing their assignment-specific plans. In order to maximize savings to the Government, Agency Plans should reflect emphasis on reductions in leased space consistent with the expiration of current lease terms and early reductions in large assignments in Government-owned space. Assignment-specific plans must be submitted to GSA by returning the completed data sheets, or a reduced copy thereof, as discussed in paragraph 7.

5. *Interim target for agency space plans.* The first interim space reduction target for agencies housed in GSA controlled space is the achievement of either a minimum 10 percent reduction in their current office space utilization rate or a rate of 135 square feet per person by the end of Fiscal Year 1984. This target shall be applied to a baseline consisting of the total of all agency space assignments classified as "office space" by GSA unless the assignment is mainly for purposes other than general office activities. Examples of this type of space may include office space in warehouses, clinics, laboratories, training facilities, border stations, and the like. The justification for, and the cumulative impact of, these space assignments for purposes other than office activities must be addressed in the narrative portion of the plan and the individual assignments must be identified on a case-by-case basis. This latter requirement shall be accomplished by annotating the data sheets provided by GSA and by subtracting the total amount of such space from the agency's total office space to arrive at the baseline for space reduction. Achievement of the 135 square foot utilization rate or a *minimum* 10 percent reduction from the baseline of office space is required.

6. *Plan approval criteria.* Consistent with the objective of maximizing savings to the Government and the interim target of reducing the office space utilization rate by 10 percent by the end of FY 84, the following criteria will be used in approving Agency Space Reduction Plans.

a. Immediate reductions wherever possible with minimal alterations.

b. Initial emphasis on reductions in Government-owned space so as to provide space for relocation of activities currently housed in leased space.

c. Continued occupancy at expiring leased locations should be at the 135 square foot rate objective, unless otherwise justified.

d. Requests for space at new locations or expansion of existing assignments should conform to the 135 square foot objective.

e. Implementation time frames for planned reductions should be reasonable.

f. Phased or multiple reductions at individual assignments must be held to a minimum.

g. Where applicable, a commitment for early review and revision of any formal Space Allocation Standard that is not consistent with the objective to achieve a Government-wide office utilization rate of 135 square feet per person. In any case, this review should be completed no later than the end of the first quarter of FY 1984.

7. *Space Reduction Plan data sheets.* In order to assist agencies in preparing their assignment-specific reduction plans GSA is providing data sheets on each agency assignment. The data sheets are arranged in order of the 30 largest GSA planning communities followed by assignments in all other locations listed by region, State and city. These data sheets establish the assignment-specific planning format and they can be obtained from the GSA Public Buildings Service, Space Management Division, FTS 566–1875. Attachment A contains instructions for completing the assignment-specific portion of the Agency Space Reduction Plan.

8. *Desk Officer.* GSA agency liaison desk officers are available to assist agencies in their space reduction plans. Identification of the desk assignments can be obtained by contacting the Space Management Division, FTS 566–1875.

9. *Completion date.* Agency Space Reduction Plans are to be submitted to GSA no later than May 15, 1983.

Charles W. Sampson,

Acting Commissioner, Public Buildings Service.

Agency Space Reduction Plan

Format and Instructions for Developing Assignment Specific Plans

Overview. The detailed assignment-specific portion of the Agency Space Reduction Plan shall be completed using the space reduction plan data sheets provided by GSA. A sample data sheet is Attachment B. The data sheets have been assembled in three sections. The first section requires agencies to specify their reduction plans, location by location, first within the top 30 GSA planning communities followed by all other locations by region, State and city for all current assignments. GSA will provide data on all of the current assignments as well as current request data pertaining to each assignment, if applicable. The current assignment data will be listed according to leased locations by day of lease expiration and according to Government-owned assignments by size of office space assignment.

An assignment summary page will be included for each planning community. These summary pages will list current assignment data and each agency will be required to state how much space it will require after implementation of the reduction plan for the planning community in question.

The second part of the detailed space plan format requires agencies to examine new space requests that are not associated with any existing assignment and to specify what their plans are relative to those requests. (All other types of space requests; e.g., expansion at an existing location or a continuing requirement, will be covered in the first section.) These new space requests (which GSA refers to as Type A) will be listed, first, by those SMSA's which corresponds to the planning communities in Section 1, followed by all other locations by region, city and State. Additional Type A space requests not listed should be inserted by the responding agency, as appropriate.

The third section of the detailed space plan is a single page summary. It requires each agency to compare all current assignment data with all assignment data after all reduction plans have been implemented. This will enable GSA to ensure that all reduction plans reflect accomplishment of the interim objective of reducing the average utilization rate by 10 percent.

Detailed Instructions for Reduction Plan Data Sheets

Section I, Current Assignments in Major Planning Communities and Other Locations

Section I of the detailed portion of the Agency Space Reduction Plan requires agencies to specify their planned reductions at leased locations within the top 30 GSA planning communities. A list of the GSA planning communities is attached as Attachment C. After all leased locations are listed, assignments in Government-owned locations will be listed. The data included in Section I will be grouped into three headings: Current assignment data, proposed changes, and finally, the Agency Space Plan data. Data for the first two groupings will be provided by GSA. The third category, Agency Space Plan, must, of course, be completed by the occupant agency. Please note that outside parking is not included in the data provided by GSA, nor requested of agencies as part of their reduction plan. Following the listings for the major planning communities, similar listings for all other locations will be given. A description of the data by element number follows:

Current Assignment Data will be provided in Elements 1A through 3C.

Element 1A: Assignment location: Location of the assignment by building name, street address, and city.

Element 1B through 1D: Agency bureau, bureau code, and activity housed will be listed respectively.

Element 1E: The GSA assignment number.

Element 1F: The GSA building number.

Element 2A: The GSA lease number.

Element 2B: The GSA lease expiration date.

Element 2C: The GSA lease termination date.

Element 2D: The number of renewal options, if any, remaining on the lease.

Element 2E: The number of years in each renewal option.

Note.—For Government-owned locations there will be no printout for elements 2A through 2E.

Element 3A: Assigned space by type; i.e., office, storage, special.

Note.—Errors in square footage should be corrected by "x-ing" out the printed figures and inserting the correct figures below. Major discrepancies should be coordinated with the appropriate GSA regional office. All changes in square footage must be supported by a completed GSA Form 2972 Agency Request for Adjustment FBF SLUC Billing. This form can be completed and submitted subsequently to the submission of the Agency Space Reduction Plan. Forms should be submitted to the appropriate GSA regional office following normal procedures.

Element 3B: Personnel housed by type of space; i.e., office, storage, special.

Note.—If the personnel data are not accurate, the printed data should be "x-ed" out and the correct numbers inserted below the "x-ed" out figures. This update of the personnel figures in current assignments will take the place of GSA's annual census. The personnel definition to be used in determinig the number of personnel housed is that as found in section 101–17.003–12 of Temporary Regulation D–68, i.e., the peak number of persons to be housed in a given space assignement for which a work station must be provided. In addition to permanent Federal personnel, this may include temporaries, part time, seasonal, and contractual employees that connot share existing workstations as well as budgeted vacancies. Double and triple shift personnel are not to be included. if two employees share one workstation, only one employee is counted under personnel housed.

Element 3C: The current office space utilization rate.

Data on proposed changes, if any, will be provided for each assignment as follows:

Elements 4A through 4C: Space requested, if any, by type; i.e., office, storage, special.

Element 4D: Office personnel associated with the spce request.

Element 4E: The office utilization rate for the space request.

Element 4F: The type of space action requested; i.e.,

Expansion—new location
Expansion—same location
Continuing Requirement
Relocation
Reduction
New Construction/Renovation
Alteration

Element 4G: The GAS space request number.

Note.—When there are no proposed changes for the existing assignment, the printout will state that there are no requested space changes now in our records.

Agency Space Plan data will be required for the following elements as they pertain to the current assignment. All entries must be legible and dark enough to be reproduced. *Do not use blue ink or pencil in entering data.* Data inserted in 8A through 8J should reflect the total requirement for the activity in question. Do not insert just the amount to be reduced or increased, etc.

Elements 8A through 8C: In these blanks, the responding agency should insert the amount of space required for the subject assignment by type of space; i.e., office, storage, special.

Elements 8A through 8F: In these blanks, the responding agency should insert the amount of personnel to be housed in each type of space as indicated.

Element 8G: Insert the office utilization rate based on the plan for the particular assignment.

Element 8H: Indicate by inserting "yes" or "no" as to whether the plan reflects a relocation or collocation of this assignment. Please note, even if the space request data reflects a relocation action, please reaffirm that by responding to 8H appropriately. Also, Please provide any comments that might be helpful to GSA with respect to where, for example, the assignment should be housed after relocation, if known.

Element 8I: Insert the fiscal year and quarter you plan to submit the Standard Form 81, Request for Space, to confirm the space plan for this assignment. If already submitted, insert actual quarter and final fiscal year the SF81 was submitted to GSA. If no SF81 is required insert "2/83" to reflect the second quarter of Fy 83.

Element 8J: Insert the implementation date desired for accomplishment of the agency plan. If no change in current assignment data is planned insert "2/83"; i.e., the second quarter of FY 83.

Element 9A: Insert in the space provided comments that will assist GAS in implementing the space reduction plan for the particular assignment in question. Also as applicable, provide the justification referenced in par. 5 of this bulletin that supports an exemption for space used primarily for non-office activities.

Note.—After each planning community, summary data is requested. GSA is providing all current assignment data within the community, the responding agency must insert the "plan" data. However, the Plan data must incorporate all new space action requests as contained in Section II of the plan. See below.

Section II, Requests for New Space Not Related to an Existing Assignment

Section II is concerned with current and future space requests that are not associated with any existing assignment. GSA will provide the basic space request data for each agency in its data base, first by major SMSA, followed by all other locations. The responding agency will insert the appropriate data in the spaces provided to reflect its plan with respect to that new space request. A description of each data element in this portion of the space plan follows below. Please note that the location, i.e., city and State will appear at the top of the printout.

Element 1A: The agency bureau code will be provided.

Element 1B: The GSA space reqest number will be provided.Elements 2A through 2C: The type and amount of space requested will be provided.

Elements 2D through 2F: The personnel to be housed in each type of space will be provided.

Note.—Currently our space request file only provides for office personnel, it is planned to expand this capability to accommodate all personnel.

Element 2G: The office utilization rate of the space request will be provided. If zero office personnel is listed, the utilization rate will be listed as zero.

Elements 3A through 3C: The responding agency must insert the type and amount of space it plans to obtain for this community.

Elements 3D through 3F: The responding agency must insert the number of personnel housed by type of space; i.e., office, storage, or special.

Element 3C: The responding agency must insert the planned office utilization rate for this new space.

Element 4A: The responding agency must submit the date for which the SF81 is to be submitted to formally notify GSA of the change in the space request. If there are no planned changes in the space data provided by GSA, repeat the data listed and state the date of the SF81 already submitted by quarter and fiscal year.

Element 4B: The responding agency must insert the target implementation date for this space action.

Element 5A: The responding agency should provide any comments that will assist GSA in satisfying this request. All comments must be typed or printed. *Do not use blue ink or pencil.* Also, as applicable, provide the justification referenced in par. 5 of this bulletin that supports an exemption for space used primarily for non-office activities.

Note.—If the responding agency is aware of future requests for new space that are not listed in the plan format, the agency must include them by listing the city and State and provide the data as required in elements 1A and 3A through 5A as well as any comments, as appropriate.

Section III, Summary Data

Section III of the detailed Agency Space Reduction Plan requires summary data on the amount of space to be occupied and the overall utilization rate for the agency. GSA will provide current assignment data. The responding agency must insert the summary data for the space plan assuming full implementation of all planned space actions contained in parts I and II. Entry blanks provided for projected SLUC rates may be disregarded. For convenience purposes, this summary page has been placed at the beginning of the data sheets package.

BILLING CODE 6820-23-M

BILLING CODE 6820-23-C

GENERAL SERVICES ADMINISTRATION
PUBLIC BUILDINGS SERVICE
OFFICE OF SPACE MANAGEMENT

THE AGENCY SPACE PLAN FOR DEPARTMENT OF AGRICULTURE

IN THE PLANNING COMMUNITY OF OTHER SPACE - REGION 01

DATE OF THIS PRINTOUT 02/03/83

1A ASSIGNMENT LOCATION: PROFESSIONAL BLDG
402 LONGHILL RD
GROTON, CT

1B BUREAU NAME ANIMAL & PLANT HEALTH INSPECTION SERVICE
1C BUREAU CODE 1234
1D ACTIVITY

1E ASSIGNMENT NUMBER ACT43378
1F BUILDING NUMBER CT3218ZZ

2A LEASE NUMBER LCT03287 2B LEASE EXPIRATION DATE 11/30/83 2C LEASE TERMINATION DATE 11/30/81

2D RENEWAL OPTIONS REMAINING: 0

2E NUMBER OF YEARS IN EACH RENEWAL OPTION: 0

CURRENT ASSIGNMENT DATA	3A ASSIGNED SPACE BY TYPE OFFICE	STORAGE	SPECIAL	3B PERSONNEL HOUSED BY SPACE TYPE OFFICE	STORAGE	SPECIAL	3C OFFICE SPACE UTILIZATION RATE
	526	0	90	3	0	0	175

PROPOSED CHANGES FOR THIS ASSIGNMENT PER GSA FILES	SPACE REQUESTED BY TYPE OFFICE	STORAGE	SPECIAL	OFFICE PERSONNEL	OFFICE UTILIZATION RATE	TYPE OF SPACE ACTION REQUESTED	SPACE REQUEST NUMBER
	4A 500	4B 0	4C 0	40 3	4E 167	4F RELOCATION	4G RCT83190

PLEASED ENTER DATA FOR YOUR SPACE PLAN FOR THIS ASSIGN.	SPACE PLAN BY TYPE OFFICE	STORAGE	SPECIAL	PERSONNEL TO BE HOUSED OFFICE	STORAGE	SPECIAL	OFF. UTILIZATION RATE	RELOCATION/ COLLOCATION (YES/NO)	DATE SF81 SUBMITTED	IMP DATE
	8A	8B.....	8C.....	8D.....	8E.....	8F.....	8G.....	8H.....	8I....	8J....

9A COMMENTS: PLEASE PROVIDE GSA WITH ANY COMMENT OR OTHER INFORMATION RELATIVE TO YOUR ASSIGNMENT THAT WOULD ASSIST GSA IN IMPLEMENTATION.

March 28, 1983

GSA Major Planning Communities

Boston
New York
Newark
Puerto Rico
Philadelphia
Pittsburgh
Baltimore
Norfork-Virginia Beach-Portsmouth
Atlanta
Birmingham
Miami
Chicago
Detroit
Minneapolis-St. Paul
Kansas City
Omaha
St. Louis
Dallas-Ft. Worth
Houston
Albuquerque
New Orleans-Metairie
Boulder-Denver
Salt Lake City
San Francisco-Oakland
Los Angeles-Orange Countries [1]
Phoenix
Seattle [2]
Portland
Anchorage
Washington, DC

[FR Doc. 83-9099 Filed 4-12-83; 11:25 am]
BILLING CODE 6820-23-M

Office of the Administrator

Advisory Board; Meeting

Notice is hereby given that the GSA Advisory Board's Subcommittee on Contracting will meet on April 18, 1983, from 10:00 a.m. to 4:00 p.m., in Room 328 of the John W. McCormack Federal Post Office/Courthouse, located on Post Office Square, Boston, Massachusetts. This session will be open to the public and will be devoted to a discussion and review of the subcommittee's efforts to assist GSA in improving its internal contracting policy formulation process, develop plans to increase the use of automated technology in procurement, and to review progress in enhancing the professionalism of the agency's contracting workforce.

Less than fifteen (15) days notice of this meeting is being provided due to scheduling difficulties.

For further information on room location or other details, contact Roger C. Dierman, Deputy Associate Administrator, on (202) 523-1141.

Charles S. Davis III,

Associate Administrator.

[FR Doc. 83-9098 Filed 4-12-83; 8:45 am]
BILLING CODE 6820-26-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-83-1226]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed infromation collection requirement described below has 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 proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. 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, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal 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 proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Submission of Proposed Information Collection to OMB

Proposal: Annual Housing Survey—National Sample
Office: Housing
Form number: AHS-1, AHS-2 and AHS-394(CC)
Frequency of submission: Biennially
Affected public: Individuals or Households
Estimated burden hours: 38,423
Status: Revision
Contact: Duane T. McGough, HUD, (202) 755-5060, 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 25, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-9064 Filed 4-12-83; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Intent To Prepare an Environmental Impact Statement and Notice of Public Scoping Meetings for Proposed Marina Project on Swinomish Indian Reservation, Washington

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs intends to have prepared and to issue an Environmental Impact Statement (EIS) on a lease (25 CFR Part 162) of part of the Swinomish Indian Reservation in Washington for use as a marina. This notice is being published as required by the National Environmental Policy Act (NEPA) regulations (40 CFR 1501-7) to obtain information and comments from other agencies and the public on the scope of issues to be addressed in the EIS. Participation in this scoping process by all interested parties is solicited. Public scoping meetings will be held.

[1] In the reduction plan data sheets the assignments for the Los Angeles Planning community are listed under the heading "Seattle-Puget Sound Area." We regret this error.

[2] Data sheets for the assignments in the Seattle planning community are listed under the heading "Seattle Get-Sound Area." We regret this error.

DATE: Two public scoping meetings will be held on May 10, 1983 at the Community Service Building, 1656 Reservation Road, Swinomish Tribal Community, LaConner, Washington. These meetings will commence at 2:00 p.m. and 7:00 p.m.

ADDRESS: Comments should be addressed to: Area Director, Bureau of Indian Affairs, Portland Area Office, P.O. Box 3785, Portland, Oregon, 97208.

FOR FURTHER INFORMATION CONTACT: Bob Taylor, Environmental Coordinator, Bureau of Indian Affairs, Portland Area Office, P.O. Box 3785, Portland, Oregon 97208, Telephone Number: (503) 231–2208; FTS 429–2208.

SUPPLEMENTARY INFORMATION: The Swinomish Tribe proposes to negotiate a lease agreement providing for the use of approximately 132 acres of reservation lands as a marina and complementary shore facilities. The Tribe's purpose in proposing this project is to diversify from the existing limited economic base of fish processing and retail business and provide additional economic development opportunity for the Tribe. Review and approval of the negotiated lease agreement by the Bureau of Indian Affairs will be required.

The proposed project, located on the Reservations' Industrial Port District will involve the dredging and disposal of approximately 50 acres of tidelands for the development of a 1,000 slip marina, and the construction of upland complementary shore facilities. The upland portion of the proposed project includes approximately 35 acres of previously filled wetlands.

The proposed project site is under Federal Trust ownership status. The 132 acre site lies on the westerly shores of the Swinomish Channel, directly north of State Highway 20. The site abuts Marches Point to the west. Padilla Bay National Estuarine Sanctuary, established by NOAA in 1982, is separated from the site by the Swinomish Channel, a navigational waterway maintained through periodic dredging operations by the U.S. Army Corps of Engineers.

The entire proposed project is located in an area of the Swinomish Reservation that is zoned Industrial. A portion of the site was developed as an Industrial Port District Under the Economic Development Administration's Industrial Development Project in 1974. Phase III of that development called for filling all remaining tribal lands south of the Burlington Northern tracks. Those remaining tribal lands consist of a tidal basin of approximately 26 acres which will be used as the dredge spoils site. The property is currently vacant.

The site is crossed by the Burlington Northern Railroad, the Anacortes water transmission pipeline, and a Puget Power transmission line.

The environmental review of this proposed project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality regulations (40 CFR Parts 1500–1508), and the Department of the Interior procedures (516 DM 1–6) for compliance with those regulations. We estimate that a draft EIS will be made available to the public about October 1983.

The meeting site can be reached by crossing the Rainbow Bridge at LaConner and proceeding past Snee-oosh Road one-half block on right.

In accordance with the Council on Environmental Quality Regulations for implementing procedural provisions of the National Environmental Policy Act (40 CFR 1501.7, 1506.6), the purpose of the meetings will be to determine the scope of issues to be addressed in the EIS and to identify significant issues related to the proposed action. Comments may be presented orally or in writing at the public scoping meetings. Written comments to supplement or in lieu of oral presentations should be received by May 9, 1983 to be included in the scoping record.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: April 6, 1983.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-9656 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

California, Resource Management Plan/Environmental Impact Statement

April 5, 1983.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of Draft Resource Management Plan/ Environmental Impact Statement.

SUMMARY: Pursuant to Section 202(f) of the Federal Land Policy and Management Act of 1976 and Section 102(c) of the National Environmental Policy Act of 1969, a Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) has been prepared for the Alturas Resource Area. The Alturas Resource Area, Susanville District, contains approximately 407,300 acres of public land located in Northeastern California, including Modoc County and the Northern portion of Lassen County. The Draft RMP/EIS examines five management plan alternatives: Maximized production; balanced use; maximized protection (including no grazing); present management (no-action); and the preferred alternative.

SUPPLEMENTARY INFORMATION:

Public Participation

Copies of the Draft RMP/EIS are available from the Alturas Resource Area Office; P.O. Box 771, Centerville Road, Alturas, California 96101, phone (916) 233–4666 and the Susanville District Office; P.O. Box 1090, 705 Hall Street, Susanville, California 96130, phone (916) 257–5381.

Written comments on the Draft RMP/EIS should be submitted between April 15 and July 15 (90 day comment period) to Richard Drehobl, Area Manager, Bureau of Land Management, P.O. Box 771, Alturas, California 96101.

All comments concerning the adequacy of the Draft RMP/EIS will be considered in the preparation of the final RMP/EIS for the Alturas Resource Area.

FOR FURTHER INFORMATION CONTACT: Richard Drehobl, Alturas Area Manager, (916) 233–4666.

Bruce P. Conrad,

Acting State Director.

[FR Doc. 83-9675 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-84-M

California; Filing of Plat of Survey

April 1, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

San Bernardino Meridian, California

T. 10 N., R. 1 E.

2. This supplemental plat of section 22, T. 10 N., R. 1 E., San Bernardino Meridian, was accepted March 11, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage

Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-9684 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 764]

California; Notice of Filing of Plat of Survey

April, 1, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T 44 N., R. 9 W.

2. This plat, respresenting the dependent resurvey of a portion of the north boundary, a portion of the subdivisional lines, and Mineral Survey No. 3450, and the survey of the subdivision of section 3, T. 44 N., R. 9 W., Mount Diablo Meridian, Under Group No. 764, California, was accepted March 14, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for informaiton only.

4. This survey was executed to meet certain administative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-9685 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-84-M

Lakeview District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR 1780 that a meeting of the Lakeview District Advisory Council will be held on May 12, 1983. The meeting will begin at 8:00 a.m. at the Lakeview District Office at 1000 So. Ninth St., Lakeview, Oregon.

The agenda for the meeting will include:

1. Organization and role of the District Advisory Council.
2. Asset Management/DLE's.
3. Range Program Summary (RPS) Updated.

Field tour to discuss:

4. Wilderness.
5. State Land Exchange.
6. Range Management Topics.

Interested persons may make oral statements before the Council or file written statements for the Council's consideration.

Summary minutes of the Council Meeting will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting.

Dated: April 4, 1983.

Richard A. Gerity,

District Manager.

[FR Doc. 83-9676 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-84-M

[W-84561]

Wyoming; Invitation for Coal Exploration License, Wyodak Resources Development Corporation

April 1, 1983.

Wyodak Resources Development Corporation hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning federally owned coal underlying the following described land in Campbell County, Wyoming:

6th Principal Meridian, Wyoming

T. 49 N., R. 71 W.,
Sec. 2: NW¼;
Sec. 3: E½NE¼, NE¼SE¼;

6th Principal Meridian

T. 50 N., R. 71 W.,
Sec. 35: SW¼

Containing 440.00 acres.

All of the coal in the above lands consists of unleased Federal coal within the Powder River Basin Known Recoverable Coal Resource Area. The purpose of the exploration program is to determine the quantity of coal available as well as other coal resource data.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number W–84561): The Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001; and the Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601.

This notice of invitation will be published in this newspaper once each week for two consecutive weeks beginning the week of April 18, 1983, and in the **Federal Register.** Any party electing to participate in this exploration program must send written notice to both The Bureau of Land Management and Wyodak Resources Development Corporation no later than 30 days after publication of this invitation in the **Federal Register.** The written notice should be sent to the following addresses: Wyodak Resources Development Corporation, 625 Ninth Street, P.O. Box 1400, Rapid City, South Dakota 57709; and the Bureau of Land Management, Wyoming State Office, Branch of Solid Minerals, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43, Code of Federal Regulations, § 3410.2–1(c)(1).

Judith A. Moffitt,

Acting Chief, Branch of Solid Minerals.

[FR Doc. 83-9681 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-84-M

[W-84562]

Wyoming; Invitation for Coal Exploration License, Northwestern Resources Company

April 1, 1983.

Northwestern Resources Company hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning federally owned coal underlying the following described land in Hot Springs County, Wyoming:

6th Principal Meridian

T. 44 N., R. 95 W.,
Sec. 5, SW¼, W½SE¼;
Sec. 6, Lots 6, 7, E½SW¼, SE¼;
Sec. 7, Lots 1, 2, W½NE¼, E½NW¼, SE¼;
Sec. 8, NE¼, N½NW¼, SE¼NW¼, S½;
Sec. 9, NW¼NW¼, S½NW¼, SW¼.

6th Principal Meridian

T. 44 N., R. 96 W.,
Sec. 1: Lots 1, 2, S½NE¼, SE¼.

Containing 2,138.85 acres.

All of the coal in the above lands consists of unleased Federal coal. The purpose of the exploration program is to determine the quantity and quality of the coal within the boundaries of the application area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number W–84562): The Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001; and the Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401.

This notice of invitation will be published in this newspaper once each week for two consecutive weeks beginning the week of April 18, 1983, and in the **Federal Register.** Any party

electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Northwestern Resources Company no later than 30 days after publication of this invitation in the **Federal Register.** The written notice should be sent to the following addresses: Northwestern Resources Company, c/o Thomas L. Loberg, P.O. Box 1899, Billings, Montana 59103; and The Bureau of Land Management, Wyoming State Office, Branch of Solid Minerals, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43, Code of Federal Regulations, §3410.2–1(c)(1).

Judith A. Moffitt,

Acting Chief, Branch of Solid Minerals.

[FR Doc. 83-9682 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-84-M

[I-17736]

Realty Action; Competitive Sale of Public Land in Bear Lake County, Idaho

The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of this tract is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The land will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

Tract No. 1, 80 Acres, $17,400 Value.
T. 16 S., R. 45 E., B.M.,
Sec. 11: E½SE¼.
The above aggregates 80 acres.

Upon publication of this Notice in the **Federal Register,** the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. Ditches and Canals.
2. Mineral Reservation.
3. Subject to All Existing Rights.

DATE: The public auction will be held on June 14, 1983 at 1:30 p.m.

ADDRESS: The public auction will be held at the Sheriff's Building, Commissioners Annex, 50 N. Main, Paris, Idaho. Additional information concerning these lands, terms and conditions of the sale and bidding instructions may be obtained from Marvin R. Bagley, Area Manager, at the Soda Springs Resource Area Office, 490 East 2nd South, Soda Springs, Idaho or by calling (208) 547–2161 during office hours.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: O'dell Frandsen, District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Dated: April 4, 1983.

O'dell A. Frandsen,

District Manager.

[FR Doc. 83-9683 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Tualatin Project, Second Phase, Oregon; Intent To Prepare a Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior intends to prepare a draft environmental statement (ES) on the Tualatin Project, Second Phase, located on the Tualatin River in northwestern Oregon. The draft ES will be integrated with a planning report which will present actions purposed for the unit.

A feasibility study, authorized by Public Law 89–561, has investigated the potential for a multipurpose water and related land resource development. The key features of the plan would be a dam and reservoir on the Tualatin River upstream from the town of Gaston.

Implementation of the plan would provided: (1) Additional municipal and industrial water supplies; (2) increased streamflows to improve water quality in the Tualatin River; (3) a wide variety of recreation opportunities associated with the reservoir and Tualatin River; (4) water for irrigation of lands along the Tualatin River; (5) a reduction of flood damages on the Tualatin River; and (6) fish and wildlife measures.

The recommended plan is based on construction of a dam and 110,000 acre-foot reservoir at the Mount Richmond site, about 2 miles west of Gaston. The alternative plan would move the dam downstream about 1¾ miles to the Gaston site. Both the recommended plan and the alternative plan would meet the same level of needs. Development at either site would essentially inundate the town of Cherry Grove. The reasons for selecting the Mount Richmond site for the recommended plan include fewer total areas inundated, less cropland and pasture inundated, fewer archeological sites affected and fewer miles of free-flowing river lost. In addition, anadromous and resident fishery costs would be less at the recommended site, hydropower generation potential would be greater, and the reservoir resident fishing would be better.

There have been several opportunities to date for public input into the investigation and identification of potential environmental effect. A multidisciplinary public and agency team evaluated the effects of the alternative plans. In addition, the Bureau of Reclamation and other participating agencies have met numerous times with local officials and groups to discuss the project proposal. The Regional Director's field draft report on the project was released for public review in April 1980. This report included a discussion on anticipated environmental impacts and proposed mitigation measures. Comments and suggestions from the public have been used in completing the feasibility investigation.

Because of the extensive input, review, and comment received from interested agencies and individuals, on formal scoping session is planned.

Interested public entities and individuals may still obtain information on the project and provide input to the draft ES. The integrated report/draft ES is expected to be available for review and comment by July 1983.

The contact person for this draft ES is Mr. Robert A. Adair, Environmental Specialist, Bureau of Reclamation, Box 043, 550 West Fort Street, Boise, Idaho 83724, telephone (208) 334–1209.

Dated: April 7, 1983.

Robert N. Broadbent,

Commissioner.

[FR Doc. 83-9704 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-09-M

Minerals Management Service

Alaska Outer Continental Shelf; Availability of a Final Environmental Impact Statement for a Proposed Sand and Gravel Lease Offering in the Diapir Field Region of the Beaufort Sea

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service has prepared a final environmental impact statement (EIS) relating to a proposed Outer Continental Shelf (OCS) Sand and Gravel Lease Offering in the Diapir Field, off the northern coast of Alaska.

Single copies of the draft EIS can be obtained from the Regional Manager, Alaska OCS Region, P.O. Box 1159, Anchorage, Alaska 99510.

Copies of the draft EIS will also be made available for inspection in the following public libraries: Alaska Federation of Natives, Suite 304, 1577 O Street, Anchorage, AK 99501; Anchor Point Public Library, Anchor Point, AK 99556; Department of the Interior Resources Library, Box 36, 701 C Street, Anchorage, AK 99513; Cordova Public Library, Box 472, Cordova, AK 99574; Kenai Community Library, Box 157, Kenai, AK 99611; Elim Learning Center, Elim, AK 99739; Haines Public Library, P.O. Box 36, Haines, AK 99827; North Star Borough Library, Fairbanks, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, AK 99801; Homer Public Library, Box 356, Homer, AK 99603; Z. J. Loussac Public Library, 427 F Street, Anchorage, AK 99801; Juneau Memorial Library, 114 W. 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau AK 99811; Ketchikan Public Library, 629 Dock Street, Ketchikan, AK 99901; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK 99501; Kodiak Public Library, P.O. Box 985, Kodiak, AK 99615; Metlakatla Extension Center, Metlakatla, AK 99926; Department of the Interior, Bureau of Mines Library, AF–F.O. Center, P.O. Box 550, Juneau, AK 99802; Petersburg Extension Center, Box 289, Petersburg, AK 99833; Seldovia Public Library, Drawer D, Seldovia, AK 99663; Seward Community Library, Box 537, Seward AK 99664; University of Alaska Juneau Library, P.O. Box 1447, Juneau, AK 91447; Sitka Community Library, Box 1090, Sitka, AK 99835; Douglas Public Library, Box 429, Douglas, AK 99824; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; University of Alaska Elmer E. Rasmusson Library, Fairbanks, AK 99701; Wrangell Extension Center, Box 651, Wrangell, AK 99929.

Harold Doley,

Director, Minerals Management Service.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 83-9735 Filed 4-12-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-143]

Amorphous Metal Alloys and Amorphous Metal Articles; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. section 1337 and 19 U.S.C. section 1337a.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 11, 1983, under section 337 of the Tariff Act of 1930, 19 U.S.C. section 1337, and under 19 U.S.C. section 1337a, on behalf of Allied Corporation, Park Avenue and Columbia Road, Morristown, New Jersey 07960. The complaint alleges unfair methods of competition and unfair acts in the importation of certain amorphous metal alloys and amorphous metal articles into the United States, or in their sale, by reason of alleged (a) infringement of at least claims 1, 3 and 4 of U.S. Letter's Patent No. 3,856,513; (b) infringement of at least claims 1 and 2 of U.S. Letters Patent No. 4,331,739; and (c) infringement of at least claims 1, 2, 3, 5, 8 and 12 of U.S. Letters Patent No. 4,221,257. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for instutition of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on April 6, 1983, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain amorphous metal alloys and amorphous metal articles into the United States, or in their sale, by reason of alleged (a) infringement of the claims of U.S. Letters Patent No. 3,856,513; (b) infringement of the claims of U.S. Letters Patent No. 4,331,739; and (c) infringement of the claims of U.S. Letters Patent No. 4,221,257, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Allied Corporation, Park Avenue and Columbia Road, Morristown, N.J. 07960.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

TDK Electronics, Co., Ltd., 13–1, 1 Chome, Nichonbashi, Chuo-ku, Tokyo 103, Japan

Vacuumschmelze GmbH, Gruener Weg 37, D–6450 Hanau 1, West Germany

Hitachi, Ltd., New Marunouchi Bldg., 5–1, 1-chome, Marunouchi, Chiyoda-ku, Tokyo, Japan

Hitachi Metals, Ltd., Kishinoto Bldg., 2–1, Marunochi 2-chome, Chiyoda-ku, Tokyo, Japan

TDK Electronics Co., Ltd., 12 Harbor Park Drive, Port Washington, N.Y. 11050

M H & W International Corporation, 14 Leighton Place, Mahwah, N.J. 07430

Siemens Corporation, 186 Wood Ave. South, Iselin, N.J. 08830

Hitachi Metals International, Ltd., 1 Red Oak Lane, White Plains, N.Y. 10604

Hitachi Magnetics Corporation, Neff Road, Edmore, MI 48829

(c) Lynn Levine, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 124, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR

§ 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is avaiable for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Lynn Levine, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0419.

By order of the Commission.

Issued: April 7, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-9767 Filed 4-12-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731–TA–130 (Preliminary)]

Chloropicrin From the People's Republic of China

AGENCY: United States International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

EFFECTIVE DATE: April 6, 1983.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the People's Republic of China of chloropicrin, provided for in items 408.16, 408.29, or 425.52 of the Tariff Schedules of the United States, which is alleged to be sold in the United States at less than fair value.

FOR FURTHER INFORMATION CONTACT: Mr. George Deyman, Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202–523–0481.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on April 6, 1983, on behalf of LCP Chemicals and Plastics, Inc. and Niklor Chemical Co., Inc., U.S. producers of chloropicrin. The Commission must make its determination in the investigation within 45 days after the date of the filing of the petition, or by May 23, 1983 (19 CFR 207.17).

Participation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided for in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11) not later than seven (7) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of documents

The Secretary will compile a service list from the entries of appearance filed in the investigation. Any party submitting a document in connection with the investigation shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of the nonconfidential version of each such document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b), as amended by 47 FR 33682, Aug. 4, 1982).

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certification of service will not be accepted by the Secretary.

Written submissions.—Any person may submit to the Commission on or before May 2, 1983, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6) All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m., on April 28, 1983, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the staff investigator, Mr. George Deyman (202–523–0481), not later than April 26, 1983, to arrange for their appearance. Parties in support of the imposition of antidumping duties in the investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public inspection

A copy of the petition and all written submissions, except for confidential business data, will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E. Street, NW., Washington, D.C.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure , part 207, subparts A and B (19 CFR Part 207, as amended by 47 FR 33682, Aug. 4, 1982), and part 201 subparts A thorugh E (19 CFR part 201, as amended by 47 FR 33682, Aug. 4, 1982). Further information concerning the conduct of the conference will be provided by Mr. Deyman.

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: April 8, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-9771 Filed 4-12-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-144]

Direct Current Brushless Axial Flow Fans; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. section 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 11, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. section 1337), on behalf of Papst Mechatronic Corporation, Aquidneck Industrial Park, Middletown, Rhode Island 02840. The complaint alleges unfair methods of competition and unfair acts in the importation of certain direct current brushless axial flow fans into the United States, or in their sale, by reason of alleged (a) infringement of claims 1, 2 and 33 of U.S. Letters Pateant No. 4,371,817; (b) infringement of claims 1, 12 and 70 of U.S. Letters Patent No. 4,322,666; and (c) infringement of claims 16 and 17 of U.S. Letters Patent No. 4,030,005. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to prevent the establishment of an efficiently and economically operated industry in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue both a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.12)

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on April 6, 1983, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain direct current brushless axial flow fans into the United States, or in their sale, by reason of alleged (a) infringement of the claims of U.S. Letters Patent No. 4,371,817; (b) infringement of the claims of U.S. Letters Patent No. 4,322,666; and (c) infringement of the claims of U.S. Letters Patent No. 4,030,005, the effect or tendency of which is to prevent the establishment of an efficiently and economically operated domestic industry in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is Papst Mechatronic Corp., Aquidneck Industrial Park, Middletown, Rhode Island 02840.

(b) The respondents are the following compaines, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Matsushita Electric Industrial Co., Ltd., Daito, Osaka, Japan.

Matsushita Electric Electric Corp. of America, 1 Panasonic Way, Secaucus, New Jersey 07094.

(c) Harold Brandt, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 16, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR § 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Harold Brandt, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-8498.

By order of the Commission.

Issued: April 8, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-9772 Filed 4-12-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-142]

Electronic Chromatogram Analyzers and Components Thereof; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: April 5, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 83-9769 Filed 4-12-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-132]

Hand-Operated, Gas-Operated, Welding, Cutting, and Heating Equipment and Component Parts Thereof; Denial of Motion to Designate Investigation "More Complicated"

AGENCY: U.S. International Trade Commission.

ACTION: Denial of joint motion to designate investigation "more complicated" pursuant to 19 U.S.C. 1337(b)(1).

Authority: The authority for the Commission's disposition of this matter is contained in 19 U.S.C. 1337(b)(1) and in § 210.15 of the Commission's Rules of Practice and Procedure (19 CFR 210.15).

SUPPLEMENTARY INFORMATION: This investigation was instituted on September 29, 1982, and concerns certain hand-operated, gas-operated, welding, cutting, and heating equipment and component parts thereof. At the time of institution, complainant Victor Equipment Co. requested that the Commission conduct an expedited temporary relief proceeding. 47 FR 44172 (Oct. 6, 1982).

The temporary relief hearing commenced on December 14, 1982. On February 7, 1982, the presiding officer ("ALJ") issued an initial determination

denying temporary relief. The initial determination was appealed to the Commission and is currently under review.

On March 17, 1983, the Commission investigative attorney moved that the investigation be designated "more complicated" pursuant to 19 U.S.C. 1337(b)(1). Complainant Victor supported the motion, while respondents opposed it. On March 18, 1982, the ALJ issued a recommendation that the motion be granted and the investigation designated "more complicated" (Order No. 28).

Copies of the Commission's Action and Order and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0375.

By order of the Commission.

Issued: April 6, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-9760 Filed 4-12-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-129]

Limited-Charge Cell Culture Microcarriers; Decision Not To Review Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination (Order No. 28) amending the notice of investigation in the above-referenced investigation.

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982 and 48 FR 9242, March 4, 1983; to be codified at 10 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: On March 14, 1983, the presiding officer issued an initial determination granting the joint motion of complainants and respondents to amend the notice of investigation in the above-captioned investigation. Under § 210.54(a) of the Commission's rules the deadline for filing petitions for review expired on March 28, 1983. No petitions were filed.

Copies of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0480.

By order of the Commission.

Issued: April 8, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-9766 Filed 4-12-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-187 (Final) and 731-TA-100 (Final)]

Tool Steels From Brazil and the Federal Republic of Germany; Continuation of Final Countervailing Duty Investigation

AGENCY: United States International Trade Commission.

ACTION: Continuation of final countervailing duty investigation concerning tool steels from Brazil and scheduling of a joint hearing to be held in conjunction with final investigation of certain tool steels from the Federal Republic of Germany.

EFFECTIVE DATE: March 22, 1983.

SUMMARY: On March 21, 1983, the United States Department of Commerce suspended its countervailing duty investigation concerning certain tool steels from Brazil (48 FR 11731). The basis for the suspension was an agreement by the Government of Brazil to offset completely the amount of net subsidy determined by Commerce to exist with respect to the subject products. Accordingly, pursuant to section 704(f)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1671c(f)(1)(B)), the United States International Trade Commission suspended its countervailing duty investigation on certain tool steels from Brazil. On March 22, 1983, however, a request to continue the investigation was filed by counsel for the petitioners pursuant to section 704(g)(2) of the Tariff Act (19 U.S.C. 1671(g)(2)). Accordingly, the Commission hereby gives notice of the continuation of investigation No. 701–TA–187 (Final), Certain Tool Steels from Brazil.

On March 30, 1983, the Commission announced in the **Federal Register** (48 FR 13278) that is was postponing the hearing scheduled for investigation No. 731–TA–100 (Final), Certain Tool Steels from the Federal Republic of Germany. The revised schedule for this investigation, which is identical to the schedule for 701–TA–187 (Final), Certain Tool Steels from Brazil, is set forth below.

SUPPLEMENTARY INFORMATION:

Background. On January 3, 1983, Commerce preliminarily determined that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Brazil of tool steel. On March 14, 1983, a suspension agreement was signed by the Government of Brazil. Commerce and the Commission subsequently suspended their respective investigations of the subject merchandise from Brazil. On January 12, 1983, Commerce preliminarily determined that tool steel from the Federal Republic of Germany is being sold, or is likely to be sold in the United States at less than fair value. On February 18, 1983, Commerce announced the postponement of its final determination with respect to tool steels from the Federal Republic of Germany. The Commission subsequently postponed its joint hearing scheduled for these investigations.

Revised Hearing Schedule.—The Commission will hold a joint hearing for investigations Nos. 701–TA–187 (Final) and 731–TA–100 (Final), Certain Tool Steels from Brazil and from the Federal Republic of Germany, beginning at 10 a.m. on June 7, 1983, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on May 20, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs (not later than June 1) and attend a prehearing conference to be held at 10 a.m. on May 25, 1983 in room 117 of the U.S. International Commission Building. Posthearing briefs and written statements should be filed on or before June 17, 1983. Commerce has advised the Commission that it will make its final determinations in these investigations by May 27, 1983. The Commission would then be required to make its final injury determinations within 45 days of this date, or July 11, 1983.

This notice amends the investigation schedules set forth in the Commission

notices of January 26, 1983 (48 FR 3665) and February 2, 1983 (48 FR 4744).

FOR FURTHER INFORMATION CONTACT: Mr. Stephen P. Miller (202–523–305), Office of Investigations, U.S. International Trade Commission.

By order of the Commission.

Issued: April 4, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-9770 Filed 4-12-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–163

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC–81233, by decision of April 6, 1983, issued under 49 U.S.C. 10926, and the transfer rules at 49 CFR 1181, Review Board Number 1 approved the transfer to Montgomery Trucking Inc., Muskogee, OK, of Permit Number MC–143593 and Subs 1, 2, and 3, issued October 17, 1978, March 6, 1981, December 9, 1980, and June 30, 1981, respectively, to Rota-Cone Oilfield Operating Co., Muskogee, OK, authorizing the transportation of (1) paper and paper products, and materials, supplies and equipment used in the manufacture and distribution of paper and paper products (except commodities in bulk), (a) between the facilities of Hoerner Waldorf-Champion International Corporation located at Sand Springs and Oklahoma City, OK, on the one hand, and, on the other, points in AR, KS, MO, and TX, under continuing contract(s) with Hoerner Waldorf-Champion International Corporation, (b) from the facilities of Container Corporation of America, at Muskogee, OK, to points in AR, KS, and MO, under continuing contract(s) with Container Corporation of America, of Fort Worth, TX, and (c) from points in KS, MO, OK, and TX, to the facilities of Champion International Corporation, at or near Ft. Smith, AR, under continuing contract(s) with Champion International Corporation, of Hamilton, OH, and (2) such commodities as are dealt in or used by manufacturers and distributors of pulp, paper and related products and lumber and wood products, between points in the U.S., under continuing contract(s) with Champion International Corporation, of Stamford, CT. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK, 73154.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–FC–170

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–81345, by decision of April 5, 1983, issued under 49 U.S.C. 10926, and the transfer rules at 49 CFR 1181, Review Board Number 1 approved the transfer to DAN H. BLAKENEY, doing business as D. RYAN TRUCKING, Monroe, LA of Certificate No. MC–155769 Sub 1, issued August 2, 1982, to A.G.S. TRANSPORT, INC., Miramar, FL, authorizing the transportation of rubber and plastic products between points in U.S. (except AK and HI). Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza (P.O. Box 22628), Jackson, MS 39205.

[FR Doc. 83-9695 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publications in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume No. OP3–MCF–151

Decided: April 7, 1983.

MARVIN E. YATES, doing business as MARVIN YATES TRUCKING COMPANY—purchase exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-in-Bankruptcy). MC–F–15180, Marvin E. Yates (Yates) (MC–135328) and Shoemaker Trucking Company (Shoemaker) (MC–138875) seek an exemption from the requirement of prior regulatory approval for the purchase by Yates of a portion of Shoemaker's authority (Sub-No. 312X[20] and the underlying Sub-No. 290[F]), which authorizes the transportation of machinery, and those commodities which because of their size and weight require the use of special handling or equipment and metal products, between points in Oregon, Idaho, and that part of Washington east of the Cascade Mountains. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Mr. David E.

Wishney, P.O. Box 837, Boise, ID 83701. Comment should refer to MC–F–15180.

Volume No. OP4–209

Decided: April 5, 1983.

THOMAS F. NEWCOMER—Control Exemption—PAYNE TRANSPORTATION, INC. MC–F–15206. Thomas F. Newcomer, an individual, seeks an exemption from the requirements under 49 U.S.C. 11343(e) for his continuance in control through ownership of stock of Payne Transportation, Inc. a motor common carrier operating under No. MC–129387 and Sub–Nos. 8, 9, 10, 11, 12, 14, 15, 16, 18, 21, 107, 114, 119X, 120X, 121X, and 122. Newcomer is now a director and President of Bell Transport Company, a motor contract carrier under No. Mc–133154, in which he holds 349.375 of 699.5 shares of common stock issued and outstanding. He proposes to control Payne through the purchase of all issued and outstanding stock, and upon completion of the purchase, Newcomer would function as President, Treasurer and Director of Payne. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Milton W. Flack, 8484 Wilshire Blvd., Suite 840, Beverly Hills, CA 90211. Comments should refer to MC–F–15206.

Volume No. OP4–211

Decided: April 6, 1983.

PHANTOM FREIGHTERS, INC.—Purchase exemption—SMITH MOTOR XPRESS, INC. MC–F–15218, Phantom Freighters, Inc. (No. MC–165681), seeks an exemption from the requirements under section 11343 of prior regulatory approval for the purchase of a portion of the operating rights of Smithway Motor Xpress, Inc. (No. MC–138627), authorizing the irregular-route, motor common carrier transportation of (1) foodstuffs, between points in Webster County, IA, on the one hand, and, on the other, points in the U.S., (2) clay, concrete, glass or stone products, and building materials, between points in IA, OH, and PA, on the one hand, and, on the other, points in 12 specified States, (3) general commodities [with an exception], between points in Polk County, IA, on the one hand, and, on the other, points in the U.S., and (4) metal products and building materials, between points in 19 specified States, on the one hand, and, on the other, points in the U.S. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Comments should refer to No. MC–F–15218.

[FR Doc 83–9699 Filed 4–12–83; 8:45 am]

BILLING CODE 7035–01–M

[No. 39142]

Motor Carriers; Horizon Transport, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Horizon Transport, Inc., a motor contract carrier, has requested an 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 April 28, 1983. The sought relief will become final May 13, 1983, unless the Commission issues a further decison 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 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 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).

Petitioner holds a single permit (No. MC–150927F) which authorizes the transportation of building materials and contractor's equipment, lumber and forest products, feed and fertilizer, and baling twine, between points in the United States, under contract with one shipper. Petitioner describes itself as a wholly-owned subsidiary of the contracting shipper and, under its contract carrier authority, exclusively hauls products of the parent company.

We see no reason to deny this carrier the savings to be realized from a tariff filing exemption.[1] It appears that exemption of this carrier from the requirements that it file tariffs covering its 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 if 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 contract 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 provisionally grant petitoner 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 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this

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[1] A proceeding to investigate the exemption of motor contract carriers on an industry-wide basis has been instituted in Ex Parte No. MC–165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1982).

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

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.

[FR Doc. 83-9690 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30116]

Motor Carriers; Southeastern Wisconsin Transportation Corp.; Exemption, Issuance of Notes

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission has exempted the issuance of securities by the Southeastern Wisconsin Transportation Corporation in the amount of $150,000.

DATES: This exemption will become effective on May 13, 1983. Petitions to stay must be filed by April 25, 1983, and petitions for reconsideration must be filed by May 3, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30116 to: (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423. (2) Petitioner's representative: Francis G. McKenna, Suite 707, 1000 Connecticut Ave. N.W., Washington, DC 20036.

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

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write T.S. InfoSystems, Inc., Room 2227, Interstate Commission, Washington, DC 20423, or call 289-4357 (D.C. metropolitan area) or toll free (800) 424-5403.

Decided: April 7, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9692 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; Decision-Notice

90-Day Intrastate Motor Common Carriers of Passengers. The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1168, published in the **Federal Register** on November 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1168.6 and 49 U.S.C. 10922(c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be performed. Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 25 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 30 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are filed under 49 U.S.C. 10922(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate, regular-route authority on November 19, 1982.

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-124

Decided: April 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 149081 (Sub-5), filed March 28, 1983. Applicant: SUBURBAN TRAILS, INC., 750 Somerset Street, New Brunsick, NJ 08901. Representative: Michael J. Mazano, 99 Kinderkamack Road, Westwood, NJ 07675; (201) 666-5111. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on routes in No. MC-149081 and MC-149081 (Sub-Nos. 1 and 2), as follows: (a) In No. MC-149081 (Sub-No. 2), over all of the routes in their entirety which traverse New Jersey, (b) in No. MC-149081, over all the routes in their entirety in parts (2), (3), and (4) therein which traverse New Jersey and, in part (1), between the New York-New Jersey state line and the New Jersey-Pennsylvania state line, and (c) in No. MC-149081 (Sub-No. 1), over all of the routes in their entirety in parts (2), (3), and (4) therein whch traverse New Jersey and, in part (1) between Plainsboro, NJ and the New Jersey-New York state line.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-169

Decided: April 5, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 57298 (Sub-14), filed March 22, 1983. Applicant: TRAILWAYS TEXAS, INC., 1500 Jackson St., Dallas, TX 75201. Representative: George W. Hanthorn, (same address as applicant.) Dallas, TX 75201; (214) 655-7937. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on the route in MC-57298 (Sub 11) as follows: Over U.S. Hwy 90, between San Antonio and Del Rio, TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9698 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representatives of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275-7992.

Volume No. OP1-122

Decided: April 6, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 167001, filed March 24, 1983. Applicant: DSL TRANSPORTATION SERVICES, INC., 1035 Watsoncenter Rd., Carson, CA 90745. Representative: Allen Julian (same address as applicant) (213) 518-5300. As a *broker*, of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167080, filed March 28, 1983. Applicant: RAM TRANS, 11460 W. 44th Ave., Suite No. 1, Wheat Ridge, CO 80033. Representative: Robert H. Fulton (same address as applicant), (303) 422-9328. As a *broker* of *general commodites* (except household goods), between points in the U.S. (except AK and HI).

MC 167101, Filed March 29, 1983. Applicant: M.H.T. TRANSPORTATION, INC., 90—33 209th St., Queens Village, NY 11428. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048; (212) 466-0220. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167110, filed March 28, 1983. Applicant: TRANSMAN CORPORATION, 4780 S. 131st St., Suite 32, Omaha, NE 68137. Representative: Alwyn C. Dodge, 12723 Izard Street, Omaha, NE 68154; (402) 493-9059. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167141, filed March 29, 1983. Applicant: DILLARDS BUS LINE INC., Route 4, Box 337, Christiansburg, VA 24073. Representative: Clifford O. Dillard (same address as applicant) (703) 382-6703. Transporting *passengers*, in charter and special operations, beginning and ending at points in VA, SC, NC, GA, TN and WV, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167160, filed March 30, 1983. Applicant: JAMES N. WEATHERLEY d.b.a. B and W BROKERAGE CO., 1301 Mosswood Lane, Irving, TX 75061. Representative: James N. Weatherley (same address as applicant) (1-214) 579-8867. As a *broker* of *general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-213

Decided: April 6, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 163646, filed March 29, 1983. Applicant: JOHN C. WILLIAMS AND RONI L. WILLIAMS, d.b.a. B & H TRANSPORTATION COMPANY, 222 E. Redwood Ave., Fort Bragg, CA 95437. Representative: John C. Williams, P.O. Box 399, Fort Bragg, CA 95437 (707) 964-9574. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167157, filed March 29, 1983. Applicant: HOYT SHEPSTON & SCIARONI, INC., d.b.a. HOYT SHEPSTON, INC., 30 Hotaling Place,

San Francisco, CA 94111. Representative: Silvio L. Scocca (same address as applicant) (415) 392–1794. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–167

Decided: April 4, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166959, filed March 22, 1983. Applicant: WILFRED F. DREHER, 12799 Co. RD. O, Stratton, CO 80836. Representative: Wilfred F. Dreher (same address as applicant) 303–362–4364. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S. (except AK and HI).

MC 166998, filed March 24, 1983. Applicant: QUIK TRUK, INC., 1528 N. 12th Avenue, West Bend, WI 53095. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901; (608) 742–3579. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 167008, filed March 24, 1983. Applicant: CHARLES JOYCE, Box 203, Canalou, MO 63828. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103; (817) 332–4718. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP5–172

Decided: April 5, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 529 (Sub-9), filed March 28, 1983. Applicant: WINFIELD BUS SERVICE, INC., 1421 Olive St., Winfield, KS 67156. Representative: B. E. Ross (same address as applicant) 316–221–4670. Transporting *passengers* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 2389 (Sub–5), filed March 24, 1983. Applicant: SIERRA NEVADA STAGE LINES, INC., 655 South Stanford Way, Sparks, NV 89431. Representative: J. B. Laramore (same address as applicant) (702) 359–1750. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 54589 (Sub-11), filed March 23, 1983. Applicant: VIKING LINE, INC., Rt. 8, Box 284, Joplin, MO 64801. Representative: Maxwell A. Howell, 2554 Massachusetts Ave., N.W., Washington, DC 20008; 202–483–8633. Transporting *passengers* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 65398 (Sub-6), filed March 15, 1983. Applicant: MT. EPHRAIM STORAGE COMPANY, 101 Washington Ave., Gloucester City, NJ 08030. Representative: Joseph F. Hughes (same address as applicant.) (609) 742–0101. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds between points in the U.S. (except AK and HI).

MC 112108 (Sub-7), filed March 25, 1983. Applicant: LEPRECHAUN LINES, INC., Route 32, Box 2628, Newburgh, NY 12550. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101; (703) 893–3050. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167058, filed March 25, 1983. Applicant: AERO CORPORATION, 1998 West Harrisburg Pike, Middletown, PA 17055. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101; (717) 236–9318. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167059, filed March 25, 1983. Applicant: RIISKA'S INC., 942 Main St., Winsted, CT 06098. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103; (413) 781–8205. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167069, filed March 28, 1983. Applicant: ASSOCIATED TRANSMODAL SERVICES, INC., 1314 Texas Ave., Houston, TX 77002. Representative: Donald G. Watts (same address as applicant) 713–222–8461. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167078, filed March 28, 1983. Applicant: JOHN R. CONWAY d.b.a. BOB CONWAY ENTERPRISES, 2416 N. Marine Drive, Portland, OR 97217. Representative: John R. Conway (same address as applicant.) (503) 286–9565. To operate a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 83-9701 Filed 4-12-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of applications may have been modified

prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-164

Decided: April 6, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 66562 (Sub-2347), filed March 18, 1983. Applicant: ARIEL EXPRESS COMPANY, INC., P.O. Box 631, Wilmington, DE 19899. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004; 202-737-1030. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

MC 104832 (Sub-17) (Correction), filed February 15, 1983, published in the **Federal Register** issue March 15, 1983, and republished, as corrected, this issue. Applicant: HOLMAN TRANSFER COMPANY, 49 S.E. Clay, Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210; (503) 226-3755. Transporting *food and related products*, between points in OR, WA, and CA, under continuing contract(s) with Keebler Co., of Elmhurst, IL.

Note: The purpose of this republication is to insert the name of the contracted carrier which was inadvertently omitted.

MC 124692 (Sub-378), filed March 7, 1983. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Ten South 5th St., Minneapolis, MN 55402; 612-340-0808. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) (1) between points in MS, AL, GA, FL, SC, NC, VA, MD, DE, NJ, NY, CT, RI, MA, NH, VT, and ME, and (2) between points in MS, AL, GA, FL, SC, NC, VA, MD, DE, NJ, NY, CT, RI, MA, NH, VT, and ME, on the one hand and, on the other, those points in the U.S. in and west of PA, WV, KY, TN, AR, and LA (except HI).

MC 145113 (Sub-4), filed March 22, 1983. Applicant: PLANTATION FOODS, INCORPORATED, 3130 Gholson, P.O. Box 887, Waco, TX 7603. Representative: Nelson M. Davidson, Jr., P.O. Box 1148, Austin, TX 78767; 512-472-8800. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 158622 (Sub-2), filed March 29, 1983. Applicant: LEONARD N. CRUSE, d.b.a. LEONARD CRUSE TRUCKING, 4403 Stone St., Billings, MT 59101. Representative: Leonard N. Cruse (same address as applicant) 406-259-5321. Transporting *bulk commodities*, between points in MN, ND, SD, MT, WY, UT, ID, and WA.

MC 164452 (Sub-1) filed Mar 21, 1983. Applicant: CASSIDY'S EXPRESS, 5240 Comly St., Philadelphia, PA 19135. Representative: Brian L. Troiano, 918-16th St. NW., Washington, DC 20006; 202-785-3700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Mecklenburg County, NC, DE MD, NJ, NY, PA, VA, and DC.

MC 166372, filed February 22, 1983. Applicant: RICHARD K. SCHEFFERS, 11610 Duggan Rd., Central Point, OR 97502. Representative: Richard K. Scheffers (same address as applicant) 503-855-1629. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 167073, filed March 28, 1983. Applicant: FLYNN'S CONSTRUCTION, INC., RR 1 Box 774, North Windham, ME 04062. Representative: Beth Dobson, P.O. Box 586, Two Canal Plaza, Portland, ME 04112; 207-774-4000. Transporting *construction and logging equipment*, between points in CT, MA, ME, NH, NY, RI, and VT, under continuing contract(s) with (a) N. A. Burkitt, Inc., of Scarborough, ME, (b) Eastern Tractor & Equipment Company, of Portland, ME, (c) Chadwick Baross, Inc., of Westbrook, ME, (d) Jordan Milton Machinery, Inc., of Portland, ME, and (e) Carrier Corporation, of Gorham, ME.

MC 167122, filed March 29, 1983. Applicant: QUAKER BROKERAGE, LTD., 11 Denton Place, Farmingdale, NY 11735. Representative: Thomas A. Stanco, 81 Landau Ave., Elmont, NY 11003; 516-775-6755. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under

continuing contracts(s) with Colonial Wire & Cable, Co, Inc., of Hauppauge, NY, and (b) I.C.C. Industries, Inc., of New York, NY, and its Subsidiaries.

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-123

Decided: April 6, 1983.

By the Commission Review Board No. 1, members Parker, Chandler, and fortier.

MC 47171 (Sub-231), filed March 29, 1983. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant) (803) 879-2101. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S (except AK and HI), under continuing contract(s) with Mercantile Stores Company, Inc., of New York, NY.

MC 94201 (Sub-206), filed March 28, 1983. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Gerald D. Colvin, Jr., 601-09 Frank Nelson Bldg., Brimingham, AL 35203; (205) 251-2881. Transporting *general commodites* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Quaker Oats Company, of Chicago, IL.

MC 103051 (Sub-495), filed March 21, 1983. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., N., Nashville, TN 37209. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114; (216) 556-5639. Transporting *general commodites* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Columbia Nitrogen Corporation, and Nipro, Inc., both of Augusta, GA.

MC 110581 (Sub-13), filed March 29, 1983. Applicant: G & H MOTOR FREIGHT LINES, INC., 118 S.E. Jackson St., Greenfield, IA 50849. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114; (402) 397-9900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, IA, KS, MO, MN, NE, ND, SD, and WI.

MC 111941 (Sub-47), filed March 21, 1983. Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Laketon, IN 46943. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204; (317) 638-1301. Transporting *general commodites* (except classes A and B explosives and household goods), between points in the U.S. (except HI).

MC 121101 (Sub-5), filed March 28, 1983. Applicant: FORGE VILLAGE TRANSPORTATION CO., INC., 179 Boston Road, P.O. Box 29, Southboro, MA 01772. Representative: Burton M. Pike, P.O. Box 719, Brookline, MA 02146; (617) 739-0300. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, MA, MD, ME, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, UT, VA, WI and WV. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request of its certificate or registration in No. MC-121101 Sub 1.

MC 121211 (Sub-2), filed March 28, 1983. Applicant: O'ROURKE CARTAGE CO., Butler Drive, Chicago, IL 60633. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Road, Downers Grove, IL 60515; (312) 953-0330. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Chicago, IL, on the one hand, and, on the the other, points in the U.S. (except AK and HI).

MC 128850 (Sub-4), filed March 28, 1983. Applicant: M & M TRANSPORT, INC., 170 State Highway 508, P.O. Box 1446, Chehalis, WA 98532. Representative: Steve Blankensh (same address as applicant) (206) 262-9581. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC 140820 (Sub-19), filed March 28, 1983. Applicant: A & R TRANSPORT, INC., 2996 N. Illinois 71, R.R. #3, Ottawa, IL 61350. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602; (312) 726-6525. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Chemical Interchange Co., of St. Louis, MO.

MC 142330 (Sub-16), filed March 31, 1983. Applicant: PONY EXPRESS COURIER CORP., P.O. Box 4313, Atlanta, GA 30320. Representative: Francis J. Mulcahy (same address as applicant) (404) 256-0540. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 149000 (Sub-4), filed March 28, 1983. Applicant: ESTATE OF JOE R. JARBOE, MARK CARSON, LOUIS ABRAHAM, JR., d.b.a. JARBOE SALES CO., 6929 East Reading Place, Drawer J, Admiral Station, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 107, 50 Classen Center, 5101 North Classen Blvd., Oklahoma City, OK 73118; (405) 848-7946. Transporting *plastic and plastic products,* between Tulsa, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152060 (Sub-2), filed March 29, 1983. Applicant: JACK FROST d.b.a. JACK FROST TRUCKING, 6501 Fiesta St., P.O. Box 12765, El Paso, TX 79913. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609; (213) 945-2745. Transporting *textile mill products, and waste and scrap materials,* between points in El Paso County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 154640 (Sub-3), filed March 29, 1983. Applicant: THE SMITHFIELD PACKING COMPANY INCORPORATED, P.O. Box 447, Smithfield, VA 23430. Representative: Frank L. Willard, Suite #1001, First & Merchants National Bank Bldg., Norfolk, VA 23510; (804) 627-0070. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Giant Food, Inc., of Washington, D.C.

MC 157290, filed March 24, 1983. Applicant: A-1 TRUCKING & RIGGING, INC., 2121 South U.S. 1, P.O. Box 691, Rockledge, FL 32955. Representative: Ella M. Beyel (same address as applicant) (305) 632-3262. Transporting (1) *armored vehicles, parts and accessories* for armored vehicles, (2) *aluminum extrusions, aluminum tubing and scrap aluminum,* (3) *pumps and pump parts,* (4) *printing press equipment,* and (5) *crane boom sections and crane parts,* between points in the U.S. (except AK and HI), under continuing contract(s) in (1) above, with Cadillac Gage Company, Division of Excello Corporation, of Warren, WI, in (2) above, with Norsk Hydro Aluminum, of Rockledge, FL, in (3) above, with Allis-Chalmers Corporation, of Grant, FL, in (4) above, with Northeast Industries, of Los Angeles, CA, and in (5) above, with A-1 Crane Service, Inc., of Rockledge, FL.

MC 160670 (Sub-1), filed March 28, 1983. Applicant: HILL'S ENTERPRISES OF SOUTHWESTERN MICHIGAN, INC., 6447 Niles Road, St. Joseph, MI 49085. Representative: Richard O. Hill (same address as applicant) (616) 429-

8035. Transporting *containers and container ends*, between points in MI, OH, TN, PA, NY, IL, IN and NJ, under continuing contract(s) with Allstate Can Co., of Clifton, NJ.

MC 161211 (Sub-1), filed March 30, 1983. Applicant: KIDD & COMPANY, INC., 308 North Martin Street, Ligonier, IN 46767. Representative: Charles W. Kidd (same address as applicant) (219) 894–3131. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 161601 (Sub-1), filed March 28, 1983. Applicant: PENN FREIGHTWAYS, INC., 24 Brooklane Drive, P.O. Box 426, Harrison City, PA 15636. Representative: Arthur J. Diskin, 402 Law and Finance Bldg., Pittsburgh, PA 15219; (412) 281–9494. Transporting (1) *electrical equipment and fixtures*, between Pittsburgh, PA, on the one hand, and, on the other, points in MD, PA, WV, VA, NJ, OH, KY, DE and NY, and (2) *metal products*, between Pittsburgh, PA, on the one hand, and, on the other, points in NY, under continuing contract(s) with Cardel Sales, Inc., of Pittsburgh, PA in (1) above, and Door Specialties, Inc., of Buffalo, NY in (2) above.

MC 165531, filed March 28, 1983. Applicant: ATOMIC INTERPROVINCIAL TRANSPORT (EASTERN) LTD., 2070 Logan Ave., P.O. Box 1045, Winnipeg, Manitoba, Canada R3C 2x6. Representative: Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011; (717) 761–0520. Transporting *general commodities* (except classes A and B and explosives, household goods and commodities in bulk), between ports of entry on the international boundary line between the U.S. and Canada in MI, MN, MT, ND AND NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166470, filed February 24, 1983, and previously noticed in **Federal Register** issue of March 24, 1983. Applicant: PENN-JERSEY INDUSTRIES, INC., P.O. Box 207, Mt. Bethel, PA 18343. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517; (717) 344–8030. Transporting *construction materials and equipment*, between points in CT, NY, PA, NJ, DE, MD, OH, MA, RI, VT and NH.

Note.—This republication clarifies the commodity description.

MC 166850, filed March 29, 1983. Applicant: ASH HAULERS, INC., 1 Innwood Circle, Suite 217, Little Rock, AR 72211. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375–9151. Transporting *fly ash and bottom ash*, between points in the U.S., under continuing contract(s) with Chem-Ash, Inc., of Little Rock, AR.

MC 166920, filed March 21, 1983. Applicant: DANIEL BENOIT FAIRFIELD d.b.a. D. FAIRFIELD TRANSPORTATION, 1611 Bellevue St., Val d'Or, Quebec, Canada J9P 5H6. Representative: Roland Potvin, P.O. Box 5000, Val d'Or, Quebec, Canada J9P 5G6; (819) 825–6550. Transporting *particle board and pressed wood*, between the ports of entry on the international boundary line between the U.S. and Canada at points in MI, NH, NY, and VT, on the one hand, and, on the other, points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, and Vt.

MC 166921, filed March 21, 1983. Applicant: RALPH A. WILLSON, R.R. #1, Box 123, Burlington, IA 52601. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309; (515) 244–2329. Transporting *nonmetallic minerals, and clay, concrete, glass and stone products*, between points in IA, IL, and MO.

MC 167061, filed March 24, 1983. Applicant: GOLD SEAL TRANSPORTATION, INC., 2700 1st Ave., North, Birmingham, AL 35203. Representative: Donald B. Sweeney, Jr., P.O. Box 2366, Birmingham, AL 35201; (205) 254–3880. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in and east of ND, SD, NE, KS, OK, and TX.

MC 167070, filed March 28, 1983. Applicant: PLANT PRODUCTS & SUPPLY CO. d.b.a. PP&S TRUCKING, P.O. Box 85001, San Diego, CA 92138. Representative: Richard T. Akanewich (same address as applicant) (619) 236–1115. Transporting *general commodities* (except Classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with San Diego Shippers Association, of San Diego, CA.

MC 167071, filed March 30, 1983. Applicant: CHARLES POGUE TRUCKING, INC., P.O. Box 669, Jonesboro, LA 71251. Representative: Charles Pogue (same address as applicant) (318) 628–3156. Transporting (1) *lumber and wood products*, and (2) *forest products*, between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation, of Bogalusa, LA.

MC 167090, filed March 29, 1983. Applicant: BURKE TRANSPORT CORPORATION, 1125 N. Main St., Hutchinson, KS 67501. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211; (213) 655–3573. Transporting *such commodities* as are dealt in or used by manufacturers, distributors and dealers of liquefied petroleum gas and anhydrous ammonia, between points in the U.S. (except AK and HI). Condition: To the extent that this certificate authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from date of issuance.

MC 167120, filed March 28, 1983. Applicant: FAIRMONT COUNTRY CLUB DAIRY, INC., 3805 Van Brunt Blvd., Kansas City, MO 64128. Representative: Patrick K. McMonigle, 1221 Baltimore Ave., Suite 600, Kansas City, MO 65105–1961; (816) 221–1464. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MO and KS, on the one hand, and, on the other, points in TX, OK, AR, MO, KS, NE, IA and MN.

MC 167130, filed March 28, 1983. Applicant: KEHE ENTERPRISES, INC., 1125 Carnegie, Rolling Meadows, IL 60008. Representative: Carl L. Steiner, 135 South LaSalle Street, Chicago, IL 60603; (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, IA, MI, MN, OH and WI.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–212

Decided: April 6, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 160727,, filed March 29, 1983. Applicant: DENNIS E. MOEN, Box 475, Baudette, MN 56623. Representative: Dennis E. Moen, (same address as applicant) (218) 634–2471. Transporting *Building materials, metal products, farm supplies*, and *machinery*, between points in Lake Of The Woods and Roseau Counties, MN, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 164747 (Sub-1), filed March 29, 1983. Applicant: RON J. NEIWOHNER and GERI S. NIEWOHNER d.b.a. MIDNIGHT EXPRESS, 1811 Maple Dr., Huron, SC 57350. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114; (402) 397–7033. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in ND, SD, MN, IA, and NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165966, filed March 29, 1983. Applicant: R&S TRUCK BROKERS, INC., 136 S. Main St., Ithaca, MI 48847. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375; (212) 263–2078. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 167076, filed March 30, 1983. Applicant: M. C. TRANSIT, INC., 129 Joyce Circle, Mead, NE 68901. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *food and related products*, between points in IL, IA, MN, NE and WI, on the one hand, and, on the other, points in CA.

MC 167146, filed March 31, 1983. Applicant: TRANSSIERRA TRUCKING, 4904 Ampere Dr., Reno, NV 89502. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NV, CA, AZ, NM, WA, OR, ID, WY, CO, and UT.

For the following, please direct status calls to Teams 5 at 202–275–7289.

Volume No. OP5–166

Decided: April 4, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 128868 (Sub-9), filed March 14, 1983. Applicant: TEXAS CONSTRUCTION SERVICE COMPANY OF AUSTIN, 2905 Howard Lane, Round Rock, TX 78664. Representative: Thomas F. Sedberry, 2600 Austin National Bank Tower, Austin, TX 78701; (512) 472–8355. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 139139 (Sub-4), filed March 24, 1983. Applicant: LESTER GRAY, P.O. Box 372, Bemidji, MN 56601. Representative: Richard P. Anderson, Federal Square, 112 Roberts Street, P.O. Box 2581; Fargo, ND 58108; (701) 235–3300. Transporting (1) *lumber and wood products*, between points in Beltrami and Hubbard Counties, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MN, on and north of MN Hwy. 210, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149168 (Sub-2), filed March 18, 1983. Applicant: INTERCOASTAL CONTAINER SERVICE CORP., P.O. Box 1770, Orange TX 77630. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706; (713) 898–8086. Transporting *general commodities* (except classes A and B explosives and household goods), between points in TX, LA, AR, OK, MS, AL, FL, TN, SC, GA, and NC.

MC 158419 (Sub-10), filed March 24, 1983. Applicant: ON TIME FREIGHT SYSTEMS, INC., 14031 "L" St., Omaha, NE 68137. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114; (402) 397–7033. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 161908 (Sub-1), filed March 24, 1983. Applicant: MICHAEL A. PONTO d.b.a. PONTO TRANSPORTATION, 571 Julius Drive, Appleton, WI 54911. Representative: William F. Mix, 21A Muzzey Street, Lexington, MA 02173; (617) 861–7305. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Fond Du Lac, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166149 (Sub-21.), filed March 21, 1983. Applicant: WORTH INDUSTRIAL EQUIPMENT, INC., 206 East Mill St., Butler, MO 64730. Representative: Arthur J. Cerra, 2100 CharterBank Center P.O. Box 19251, Kansas City, MO 64141; (816) 842–8600. Transporting (1) *machinery*, between points in MO, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) meat, *meat products and meat by-products and articles distributed by meat packinghouses*, between points in the U.S. (except AK and HI), (3) *paint and related products* and *containers*, between points in AL, AZ, AR, CA, CO, DE, FL, GA, IL, IN, KY, LA, MI, MN, MO, MS, NE, NJ, NM, NY, OH, OK, OR, PA, TN, TX, UT, VA, WA, WI, and WY, (4) *general commodities* (except classes A and B explosives, and household goods), between Kansas City, MO, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, TN, TX, SD, VA, WA, WV, WI, and WY, and (5) *waste or scrap materials not identified by Industry Producting, metal products, and clay, concrete, glass or stone products*, between points in AR, IA, KS, MO, NE, and OK.

MC 167038, filed March 23, 1983. Applicant: S AND Q TRUCK AND TRACTOR SERVICE, INC., P.O. Box 477, R.R. #1, Odin, IL 62870. Representative: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., P.O. Box 5039, Springfield, IL 62705; (217) 528–8476. Transporting *concrete pipe and related products*, between points in Marion County, IL, on the one hand, and, on the other, points in MO, under continuing contract(s) with Egyptian Concrete Company, of Salem, IL.

Volume No. OP5–171

Decided: April 5, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 1239 (Sub-14), filed March 25, 1983. Applicant: PONY TRUCKING, INC., 501 State Route 7, Steubenville, OH 43952. Representative: Maxwell A. Howell, 2554 Mass Ave., N.W., Washington, DC 20008; (202) 483–8633. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. under continuing contract(s) with Manville Corporation, of Denver CO, Chicago Fire Brick Company, of Chicago, IL, and Wellsville Fire Brick Company, of Wellsville, MO.

MC 28599 (Sub-10), filed March 24, 1983. Applicant: DEVINE & SON TRUCKING CO., 2700 Rice Ave., P.O. Box 217, West Sacramento, CA 95691. Representative: Robert F. Sutton (same address as applicant 916–371–4430. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in CA and NV.

MC 34209 (Sub-8), filed March 28, 1983. Applicant: BILL ROGERS TRUCKING COMPANY, INC., 2100 West 83rd St., Odessa, TX 79762. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701; 512–476–8066. Transporting (1) *Mercer commodities*, (2) *machinery*, and (3) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in CO, LA, MN, MS, ND, NM, OK, SD, TX and WY.

MC 41098 (Sub-101), filed March 28, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006; 202–833–8884. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. under continuing contract(s) with Philips

Medical Systems, Inc. of Shelton, CT and its affiliate Philips Ultrasound, Inc. of Santa Ana, CA.

MC 144008 (Sub-8), filed March 25, 1983. Applicant: STORE TRANSFER & DELIVERY SERVICE INC., 12 Ferris Lane, Poughkeepsie, NY 12601. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123; (212) 239–4610. Transporting *wearing apparel,* between points in the U.S. (except AK and HI), under continuing contract(s) with Stone Mfg. Co. d.b.a. S Mart Stores, of Greenville, SC.

MC 161669 (Sub-2), filed March 24, 1983. Applicant: DIXIE DRAYAGE SERVICE, INC., 680 Industrial Pkway., Saraland, AL 36571. Representative: George M. Boles, 629 Frank Nelson Bldg., Birmingham, AL 35203; 205–251–6602. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in AL, GA, FL, MS and LA.

MC 163269 (Sub-1), filed March 28, 1983. Applicant: TEXAS LOUISIANA CARTAGE, INC., 669 Good Acre, Pineville, LA 71360. Representative: Earl T. Templeton (same address as applicant) 318–640–9666. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (1) between points in TX and LA, and (2) between Alexandria, LA on the one hand, and, on the other, Jackson, MS and Memphis, TN.

MC 163519 (Sub-1), filed March 25, 1983. Applicant: AVONDALE TRUCKING CO., INC., Avondale Avenue, Sylacauga, AL 35150. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401; (205) 578–3212. Transporting (1) *chemicals and related products,* between points in the U.S.(except AK and HI), under continuing contract(s) with Burris Chemical, Inc., of Charleston, SC, and (2) *packaging materials,* between points in the U.S. (except AK and HI), under continuing contract(s) with Fulton Enterprises, Inc., of Birmingham, AL.

MC 164578 (Sub-2), filed March 28, 1983. Applicant: TRUCK CONTROL SERVICE, INC. 7017 N 56th Ave. Glendale, AZ 85301. Representative: Phil B. Hammond 3003 N. Central, Suite 2201 Phoenix, AZ 85012; 602–266–2224. Transporting *cocoa and related products,* between points in the U.S. under continuing contract(s) with Guittard Chocolate company of Burlingame, CA.

MC 166919, filed March 21, 1983. Applicant: BILLY R. BRAKEFIELD d.b.a. BILL'S MOTOR CO. 500 W. Rosa St. Rayville, LA 71269. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103; 817–332–4718. Transporting (1) *motorcycles,* (2) *recreational and garden vehicles,* and (3) *equipment and supplies* for the commodities in (1) and (2) above, between points in AR, LA, MS, and TX.

MC 166928, filed March 22, 1983. Applicant: GOLD STAR TRUCKING, INC., P.O. Box 1705, Valdosta, GA 31603–1705. Representative: M. L. Jones (same address as applicant.) (912) 242–3729. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 167079, filed March 28, 1983. Applicant: JOHN EDWARD MAXCY d.b.a. MAXCY TRUCKING, Route 1, Bryan, OH 43506. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215; (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Fulton, Henry, and Williams Counties, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

[FR Doc. 83-9702 Filed 4-12-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,
Secretary.

Volume No. OP3–152

Decided: April 7, 1983.

MC 119774 (Sub-116) (Republication) filed August 11, 1981, published in the **Federal Register** issue of September 2, 1981, and republished this issue. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116, (817) 731–8431. A Decision of the Entire Commission, decided March 10, 1983, and served March 17, 1983 finds that the performance by applicant of the service described herein to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting general commodities (except classes A and B explosives), between points in the United States; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to remove the facilities restriction and to show full nationwide authorization for the transportation of general commodities has been warranted.

Volume No. OP5–165

MC—163528 (Republication), filed October 4, 1982, published in the **Federal Register** issue of November 1, 1982, and republished this issue. Applicant: QUARRY TRANSPORT CO., INC., 11 S 22 Madison Street, Hinsdale, IL 60521. Representative: Albert A. Andrin, Suite 3520, 180 North LaSalle Street, Chicago, IL 60601. An Order of the Commission, Review Board 3, decided February 23, 1983, and served March 3, 1983, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities in bulk* between points in Illinois, Indiana, Michigan, Missouri, Iowa, and Wisconsin, and (2) *waste or scrap materials not identified by industry producing,* between points in Illinois, Indiana, and Michigan, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the applicant's actual grant of authority.

[FR Doc. 83-9697 Filed 4-12-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminary, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,

Secretary.

Please Direct Status Inquiries to Team 2, at (202) 275-7030

Volume No. OP2-162

Decided: April 6, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 143193 (Sub-3X), filed March 28, 1983. Applicant: GORDON POCH COMPANY, INC., Route 1, Hwy 33, Horicon, WI 53032. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, 608-273-1003. Sub 1: (1) broaden (a) ethyl alcohol to chemicals and related products, and (b) brewer's yeast to food and related products; (2) broaden Juneau, WI to Dodge County, WI; (3) broaden one-way irregular routes to radial authority; (4) remove bulk; and (5) remove tank vehicle restriction.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-168

Decided: April 5, 1983.

By the Commission, Review Board No. 5, Members Krock, Joyce, and Dowell.

MC 125119 (Sub-1)X, filed March 23, 1983. Applicant: TRI-STATE TRUCKNG, INC., 421 Leader Street, Marion, OH 43302. Representative: William Q. Keenan, 7 Corporate Park Drive, White Plains, NY 10604, (914) 694-1414. Lead permit: broaden to (1) "chemicals and related products," from liquid fertilizer, in bulk, in tank vehicles; and (2) expand the territorial description to "between points in the United States" (except Alaska and Hawaii), under continuing contract(s) with named shippers.

Volume No. OP5-163

Decided: April 1, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 114028 (Sub-54)X, filed March 7, 1983. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Blvd., Dubuque, IA 52001. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603, 312-236-9375. Lead and Subs 1, 4, 9, 10, 11, 17, 19, 20, 21, 22, 23, 25, and 31: (1) broaden to "food and related products" from fresh and cured meats, meat and meat products, and by-products, articles distributed by meat packing houses, pigskins, agricultural commodities (exempt) when transported in mixed loads with bananas, and foodstuffs, in lead and Subs 1, 4, 9, 10, 11, 19, 20, 21, 22, and 23 broaden cities or facilities to county wide authority: Denison, IA (Crawford County), Dubuque, IA (Dubuque County), LeMars, IA (Plymounth, County), Wichita, KS (Sedgwick County), Mankato, KS (Jewell County), Wilmington, DE (Newcastle County), Reno and Rouseville, PA (Venango County), Detroit, MI (Wayne, Macomb, Monroe, Oakland, and Washenaw Counties), Clifton, NJ (Passaic County), Frisco, PA (Beaver County), Pittsburgh (Beaver, Allegheny, Butler, Westmoreland, Fayette and Washington Counties), Bucksport, ME (Hancock County), (3) remove facilities restrictions, (4) remove "in containers, in bulk, in drums, in tank cars, hides and inedible skins and pieces thereof", (5) broaden: in Subs 14, 26, 33, 34, 35 and 36, from charcoal to "petroleum and natural gas and their products", paper and paper products to "pulp, paper and related products", water treatment chemicals to "chemicals and related products", silicon and ferro maganese to "metal and metal products" (6) remove restriction "shipments having an immediately prior movement by water", and originating at or destined to restrictions, and (7) broaden one way authority to radial authority.

[FR Doc. 83-9666 Filed 4-12-83; 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 protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicted, 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-253

The following applications were filed in Region I: Send protests to Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 621 (Sub-1-1TA), filed March 29, 1983. Applicant: PAUL ARPIN VAN LINES, INC., West Warwick Industrial Park, Box 1302, East Greenwich, RI 02818-0998. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. *Household goods* between points in CA and AZ, on the one hand, and, on the other, points in the U.S. (except AK, HI and MT). Supporting shipper(s): American World Forwarders, Inc., 4411 E. 119 Street, Grandview, MO 64030; Cartwright International Van Lines, Inc., 11919 Cartwright Ave., Grandview, MO 64030; Arpin-World Forwarding Corp., P.O. Box 1302, E. Greenwich, RI 02818; and TEK Forwarding, Inc., P.O. Box 1304, E. Greenwich, RI 02818.

MC 166951 (Sub-1-1TA), filed March 23, 1983. Applicant: ANDREW'S XPRESS, INC., 508 E. 36th Street,

Paterson, NJ 07504. Representative: Jack L. Schiller, 111–56 76th Drive, Forest Hills, NY 11375. *Aluminum and fabricated aluminum and steel and fabricated steel* between the facilities of National Steel Centers—Division of National Steel, Inc. located at Boonton, NJ, on the one hand, and, on the other, points in CT, MA, NY and PA. Supporting shipper: National Steel Service Centers-Division of National Steel, Inc., 1 Century Drive, Parsippany, NJ 07054.

MC 167097 (Sub-1–1TA), filed March 29, 1983. Applicant: AUTO PLACEMENT CENTER, INC., 160 Amaral Street, East Providence, RI 02915. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstone, RI 02852. *Vehicles and accessories, damaged, recovered, and/or repossessed (except vehicles requiring transportation from the scene of accidents)* between East Providence, RI, Salem, NH, and Albany, NY, and points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT. Supporting shipper(s): There are twelve statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 134806 (Sub-1–58TA), filed March 23, 1983. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *General commodities (except commodities in bulk, household goods and Class A and B explosives),* between Los Angeles and San Francisco, CA, and points in their Commercial Zones, on the one hand, and, on the other, points in CT, MA, ME, NH, RI and VT, under continuing contract(s) with National Carrier Service, Anaheim, CA. Supporting shipper: National Carrier Service, 2000 Santa Cruz Street, Anaheim, CA 92805.

MC 134806 (Sub-1–59TA), filed March 25, 1983. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Canoes* between Waitsfield, VT, on the one hand, and, on the other, points in CA, Denver and Grand Junction, CO, Salt Lake City, UT, and Cheyenne, WY, under continuing contract(s) with Mad River Canoe, Inc., Waitsfield, VT. Supporting shipper: Mad River Canoe, Inc., P.O. Box 610, Waitsfield, VT 05673.

MC 166884 (Sub-1–1TA), filed March 29, 1983. Applicant: J & J SERVICE CO., INC., 35 Dublin Lane, Cherry Hill, NJ 08003. Representative: Edward D. Sheehan, Esq., DuBois, Sheehan, Hamilton & DuBois, 511 Cooper Street, Camden, NJ 08102. *Passengers* between points in NJ, PA, NY, DE, MD, VA and DC. Supporting shipper: SAI Group, Inc., 900 Dudley Avenue, Cherry Hill, NJ.

MC 143127 (Sub-1–33TA), filed March 29, 1983. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Catherine Jablonski (same as above). *General commodities (except Classes A and B explosives; Household Goods; Commodities in bulk, and Hazardous wastes)* between points in the U.S. (except AK and HI) originating at or destined to the facilities of Arcata Graphics Co., Norwalk, CT. Supporting shipper: Arcata Graphics Co., 101 Merritt 7, Norwalk, CT 06852.

MC 147101 (Sub-1–2TA), filed March 24, 1983. Applicant: LDF, INC., 30 Enterprise Avenue, Secaucus, NJ 07094. Representative: Carla T. Novak, 1101 31st Street, Downers Grove, IL 60515. *Contract carrier:* irregular routes: *Such commodities as are dealt in or used by retail department stores,* from Charlotte, NC to Jersey City, NJ, under continuing contract(s) with Macy's New York, Inc., New York, NY. Supporting shipper: Macy's New York, Inc., 151 W. 34th Street, New York, NY 10001.

MC 1940 (Sub-1–2TA), filed March 24, 1983. Applicant: TRAILWAYS OF NEW ENGLAND, INC., 625 8th Avenue, New York, NY 10018. Representative: George W. Hanthorn, 1500 Jackson Street, Dallas, TX 75201. *Common carrier:* regular routes: *Passengers* between (a) Worcester, MA and Haverhill, MA: (1) from Worcester over MA Hwy 12 to West Boylston, MA, then over MA Hwy 110 to jct MA Hwy 2A, then over MA Hwy 2A to Ayer, then return over MA Hwy 2A to jct MA Hwy 110, then over MA Hwy 110 via Lowell to Haverhill, MA and return over the same route, serving all intermediate points; (2) from Worcester over Interstate Hwy 290 to jct Interstate Hwy 495, then over Interstate Hwy 495 to Haverhill and return over the same route, serving all intermediate points; and (b) between Worcester, MA and Fitchburg, MA, from Worcester over MA Hwy 12 to Fitchburg and return over the same route, serving all intermediate points; and (c) between West Boylston, MA and Ayer, MA, from West Boylston over MA Hwy 12 to jct. Interstate Hwy 190, then over Interstate Hwy 190 to MA Hwy 2, then over MA Hwy 2 to jct MA Hwy 12, then over MA Hwy 12 to Fitchburg, then over MA Hwy 2A to Ayer. Applicant assumed feeder route service upon termination of service by existing carrier.

MC 167098 (Sub-1–1TA), filed March 29, 1983. Applicant: FIDELE TREMBLAY, INC., 29 St. Alphonse Street, Luceville, Quebec, CD GOK 1EO. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *Contract carrier:* irregular routes: *Lumber and wood products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Lulumco, Inc., Luceville, Quebec, CD. Supporting shipper: Lulumco, Inc., Luceville, Quebec, CD.

MC 167096 (Sub-1–1TA), filed March 29, 1983. Applicant: WARNER VANDERHEUEL, d.b.a. WARNER TRANSPORT, 76 Niehaus Avenue, Little Ferry, NJ 07643. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. *Contract carrier:* irregular routes: *Printed matter, paper and paper products,* between points in MA, NY and NJ, on the one hand, and, on the other, points in MA, CT, ME, NH, NJ, RI, VT, DE, MD, OH, PA, DE, DC, WV, VA, NC, SC, GA, FL, AL, TN, MO, LA, TX, OK, AR, KY, KS, IL, IN, WI, IA, MN, and MI, under continuing contract(s) with Grinnell Lithograph Co., Inc., Islip, NY; Mobile Steam Cleaners, Little Ferry, NJ; Fineat Warehouse, Inc., Wilmington, MA. Supporting shipper(s): Grinnell Lithograph Co., Inc., 265 Moffitt Blvd., Islip, NY 11751; Mobile Steam Cleaners, 100 Mehrhof Road, Little Ferry, NJ 07643; Fineat Warehouse, Inc., 841 Woburn Street, Wilmington, MA 01887.

MC 109887 (Sub-1–2TA), filed March 29, 1983. Applicant: WEST END MOVING & STORAGE CO., INC., 241 Pine Street, P.O. Box 3374, Bridgeport, CT 06605. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. *Contract carrier:* irregular routes: *General commodities (except classes A and B explosives, household goods, and commodities in bulk)* between points in the U.S. under continuing contract(s) with Philips Medical Systems, Inc. of Shelton, CT. Supporting shipper: Philips Medical Systems, Inc., 710 Bridgeport Ave., Shelton, CT 06484.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 167047 (Sub-II–1TA), filed March 25, 1983. Applicant: BIG LAKE TRANSPORT, INC. OF VA., 6th & Byrd St., Richmond, VA 23219. Representative: Paul D. Collins, 7761 Lakeforest Drive, Richmond, VA 23235. Contract, irregular: (1) *Newsprint, groundwood paper, scrap and waste paper, paper cores, and materials,*

supplies, and equipment used in the manufacture, sale and distribution of paper and paper products, between points in Hanover County, VA, on the one hand, and, on the other, points in FL, GA, OH; and Chicago, Des Plaines and Highland, IL; Sylacauga, AL; Indianapolis, IN; Royal Oaks, MI; Frankfort, KY; and Knoxville, TN, under continuing contract(s) with Bear Island Paper Co., Greenwich, CT; (2) *Printing materials, books, and materials, supplies and equipment used in the manufacture, sale and distribution of printing material and books,* between Richmond, VA, on the one hand, and, on the other, Denver, CO; Addison, IL; Baltimore, MD; Brooklyn and New York, NY; Raleigh, NC; and Nashville, TN, under continuing contract(s) with W.M. Brown & Sons, Inc., Richmond, VA; (3) *Paper honeycomb, expanded and not expanded,* between Farmville, NC, on the one hand, and, on the other, points in AL, FL, GA, TN; and Edwardsburg, MI, under continuing contract(s) with Hexagon Honeycomb Corp., Farmville, NC; (4) *Food, Foodstuffs, cookies, crackers, snack foods, dust, meal, advertising materials, bakery goods, packaging material, yeast, prepared animal feeds, and materials, supplies and equipment used in the manufacture, sale and distribution thereof,* between (A) Henrico County, VA (Sandston, VA), on the one hand, and, on the other, points in CA, FL, TX; and Las Vegas and Reno, NV; Portland, OR; Seattle, WA; and (B) between Houston, TX, on the one hand, and, on the other, points in CA, FL, and LA, under continuing contract(s) with Nabisco Brands, Inc., Parsippany, NJ. (5) *Twine and wrapping paper,* between Newport News, VA, on the one hand, and, on the other, Florence, AL; Gardena and Pico Rivera, CA; Carmel, IN; Shreveport, LA; Grand Rapids, OH; and Osceola, WI, under continuing contract(s) with Plymkraft Corp., Newport News, VA; (6) *Shopping carts, and materials, supplies and equipment used in the manufacture, sale and distribution of shopping carts,* between Richmond, VA, on the one hand, and, on the other, points in CT, FL, MA, NJ, NY; and, Baltimore, MD; Mckeesport and Pittsburgh, PA; Alexandria and New Orleans, LA; Chicago, Forest Park and Niles, IL; and Houston, TX, under continuing contract(s) with Rehrig International, Richmond, VA; (7) *Teabags, instant tea, coffee, and materials, supplies, and equipment used in the manufacture, sale and distribution thereof,* between Virginia Beach, VA, on the one hand, and, on the other, points in AL, FL, OH; and Los Angeles and San Francisco, CA; Morrow and Savannah, GA; Phoenix, AZ; Chicago, IL; Jackson, MS; Kansas City, KS; Sparks, NV; Arlington, TX; Greenville, SC; Lansing, MI; Charlotte, NC; Omaha, NE; Salisbury, NC; Sheboygan, WI; and Knoxville, TN; under continuing contract(s) with Teapack Co., Inc., Virginia Beach, VA. There are seven supporting shippers' statements attached to this application which may be examined at the Phila. Regional Office.

MC 119420 (Sub-II–2TA), filed March 8, 1983. Applicant: FRED FAIRALL CONSTRUCTION CO., 801 West First St., Uhrichsville, OH 44683. Representative: John L. Alden, 1396 West Fifth Ave., Columbus, OH 43212. *Clay products;* (1) from Tuscarawas County, OH to points in NC and NJ. and (2) From Wake County, NC to points in Macomb, Monroe, Livingston, Oakland, St. Clair, Sanilac, Washtenaw, and Wayne Counties, MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Superior Clay Corp., P.O. Box 352, Uhrichsville, OH 44683; The Belden Brick Sales Co., 14305 Livernois Ave., Detroit, MI 48238. Application was originally published in the **Federal Register** 3/30/83. The purpose of the republication is the county Macomb was misspelled.

MC 148412 (Sub-II–7TA), filed March 29, 1983. Applicant: GRIBBLE TRUCKING, INC., R.D. 3, Rockwood, PA 15557. Representative: George Gross, Jr., 124 Lammert Dr., Glenshaw, PA 15116. *General commodities (except Classes A & B explosives, and household goods as defined by the Commission),* between points in the U.S. (except AK & HI), for 270 days. Supporting shipper(s): There are twenty-eight support statements attached to this application which may be examined at the Phila. Regional office.

Docket MC 167034 (Sub-II–2TA), filed March 25, 1983. Applicant: JA-MARC TRANSPORT, INC., 2117 Knollwood Dr., Findlay, OH 45840. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 432125. *Flour,* in bulk, from Cheswick PA to points in MD, OH and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Archer Daniels Midland Co., Inc., 4550 W. 109th St., Shawnee Mission, KS 66207.

MC 107012 (Sub-II–280TA) filed April 1, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except classes A & B explosives, and commodities in bulk) points in the United States under continuing contract(s) with Triad Systems Corp. of Sunnyvale, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Triad Systems Corp., 1252 Orleans Drive, Sunnyvale, CA 94086.

MC 107012 (Sub-II–279TA), filed March 28, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except classes A & B explosives, and commodities in bulk) between points in the United States under continuing contract(s) with Corvus Systems of San Jose, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Corvus Systems, 2029 O'Toole Avenue, San Jose, CA 95131.

MC 167086 (Sub-II–1TA), filed March 29, 1983. Applicant: SEA TRANS, INC., 4405 Putnam Circle, Virginia Beach, VA 23462. Representative: Paul D. Collins, 7761 Lakeforest Drive, Richmond, VA 23235. *General commodities (except classes A and B explosives, household goods, and commodities in bulk)* (1) between Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, VA; and (2) between points named in (1), on the one hand, and, on the other, points in VA, having a prior or subsequent movement by water. An underlying ETA seeks 120 days authority. Supporting shippers: Associated Container Transport (ACT), 212 E. Main St., Norfolk, VA; Sea-Land Service, Inc., 1800 Seaboard Ave., Portsmouth, VA 23705.

MC 110683 (Sub-II–20TA), filed March 29, 1983. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: HARRY J. JORDAN, 1090 Vermont Ave., NW, Washington, D.C. 20005. Contract, irregular: *General commodities (except household goods as defined by the Commission, commodities in bulk and Classes A and B explosives):* between points in the U.S. (except AK and HI), under continuing contract(s) with Hills Department Stores. Supporting Shipper(s): Hills Department Stores, 15 Dan Road, Canton, MA 02021.

MC 158923 (Sub-II–5TA), filed March 25, 1983. Applicant: JOHN R. VALENTINO TRUCKING, R.D. #2, Box 9B, Cochranville, PA 19330. Representative: John R. Valentino (same address as applicant). *Pulpboard and related paper products* between points

in NJ, NY, PA, MD, DC, OH, IN, MI, CT, RI, MA, ME and IL. An underlying ETA seeks 120 days. Applicant intends to tack this authority with its authority in MC–158923. Supporting shipper(s): Dopaco, Inc., Boot Rd. & Chestnut St., Downingtown, PA 19335.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 147136 (Sub-4–1TA), filed March 25, 1983. Applicant: INDIVIDUAL TRANSPORT, INC., R.R. #1, Patriot, IN 47038. Representative: Jerry B. Sellman, 50 W. Broad Street, Columbus, OH 43215. *Wooden ladders and ladder parts,* between Carroll County, KY, on the one hand, and, on the other, Washoe County, NV, and between Washoe County, NV, on the one hand, and, on the other, Los Angeles and San Francisco, CA. An underlying ETA seeks authority for 180 days. Supporting shipper: Rich Ladder Company, P.O. Box 120, Carrollton, KY 41008.

MC 164843 (Sub-4–1TA), filed March 23, 1983. Applicant: PONDEROSA SYSTEMS, INC., 4603 N. Cliff Ave., P.O. Box 417, Sioux Falls, SD 57101. Representative: Warren Luke (same address as applicant), 1–605–334–1100. *Precast concrete products,* from Sioux Falls, SD to Minneapolis/St. Paul, MN, restricted to traffic orginating at Gage Brothers Concrete Products, Inc. An underlying ETA seeks 120 days. Supporting shipper: Gage Brothers Concrete Products, Inc., 4301 W. 12th Street, Sioux Falls, SD 57106.

MC 156069 (Sub-4–7TA), filed March 23, 1983. Applicant: TRANSITALL SERVICES, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 60603. Representative: Anthony E. Young, Ltd., 29 South LaSalle Street, Suite 350, Chicago, IL 60603. Contract irregular *Malt beverages and materials used in the manufacture and distribution of malt beverages* between Milwaukee, WI, on the one hand, and, on the other, Traverse City, MI, under continuing contracts with Jack & Bill Wicksall Distributors, Inc. of Traverse City, MI. Supporting shipper: Jack & Bill Wicksall Distributors, Inc., 2325 Sybrandt Road, Traverse City, MI.

MC 167021 (Sub-4–1TA), filed March 24, 1983. Applicant: MAGLINE INC., 503 South Mercer St., Pinconning, MI 48650. Representative: Jimmy C. Hall, Sr. (same as applicant). Common: Regular (*Loading Ramps*) from Standish, MI to Bayonne, NJ. An ETA for 120 days has been filed concurrently. Supporting shipper: Commander, Military Traffic Management Command, Washington, D.C. 20315 and Defense Contract Administration Services Management Area Detroit—DCRO–GTCT, 477 Michigan Ave., Detroit, MI 48226.

MC 139205 (Sub-4–1TA), filed March 28, 1983. Applicant: DOLPHIN CARTAGE, INC., 5274 S. Archer Ave., Chicago, IL 60632. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Contract; irregular *(1) Containers, paper and paper articles; and (2) materials, equipment and supplies used in the manufacture of containers, paper and paper articles* (except commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in IN, MI and WI, under continuing contract with Owens-Illinois, Chicago, IL. Supporting shipper: Owens-Illinois, 440 E. 138th Street, Chicago, IL 60627.

MC 163305 (Sub-4–2TA), filed March 28, 1983. Applicant: TONKA TRANSPORTATION, INC., 4144 Shoreline Boulevard, Spring Park, MN 55384. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. Contract; Irregular: *Such commodities as are dealt in or used by manufacturers and distributors of metal and plastic toys and ceramic crafts,* between points in the U.S. under continuing contracts(s) with Tonka Toys, Inc. Supporting shipper: Tonka Toys, 5300 Shoreline Boulevard, Mound, MN 55364.

MC 166994 (Sub-4–1TA), filed March 24, 1983. Applicant: TUSCOLA AND SAGINAW BAY RAILWAY COMPANY, INC., 538 E. Huron Avenue, Vassar, MI 48768. Representative: Wesley W. Hoffman, 530 W. Ionia, Suite C, Lansing, MI 48933. Contract irregular *Hazardous Materials in bulk* between points in the U.S. (except AK and HI) under continuing contract with T and T Chemical of Michigan, Inc., 4773 Lorraine Road, Saginaw, MI, 48604.

MC 108449 (Sub-4–7TA), filed March 28, 1983. Applicant: INDIANHEAD TRUCK LINE, INC., P.O. Box 43355, St. Paul, MN 55164. Representative: W. A. Myllenbeck, P.O. Box 43355, St. Paul, MN 55164. *General Commodities,* (except household goods and Class A and B explosives) from Chicago, IL to points in AZ, CA, ID, LA, NM, NV, OR, UT, and WA. Supporting shippers: There are seven (7) shippers.

MC 112223 (Sub-4–13TA), filed March 28, 1983. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Blvd., Minneapolis, MN 55413. Representative: Earl Hacking, 1700 New Brighton Blvd, Minneapolis, MN 55413. *Sandblast Abrasive,* in bulk, in pneumatic vehicles, from Lawtey, FL, to St. Cloud, MN, restricted to traffic for DCI, Inc. Supporting shipper: DCI Incorporated, 600 North 54th Ave., St. Cloud, MN 56302.

MC 113855 (Sub-4–11TA), filed March 28, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, MN 55903. Representative: Leonard L. Bennett, 2450 Marion Road S.E., Rochester, MN 55903. Contract; Irregular. *General commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI), under a continuing contract(s) with FMC Corporation. Supporting shipper: FMC Corporation, 200 East Randolph Drive, Chicago, IL 60601.

MC 149095 (Sub-4–1TA), filed March 28, 1983. Applicant: EAGLE EXPEDITING, INC., 5215 N. Grand River, P.O. Box 15103, Lansing, MI 48901. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Motor vehicle parts, and materials, equipment and supplies used in the manufacture and production of motor vehicles* between the facilities of American Motors Corporation at Evart, MI, Detroit, MI, Milwaukee, WI, Kenosha, WI, South Bend, IN, and Toledo, OH, on the one hand, and, on the other, points in MI, OH, IN, IL, and WI. An underlying ETA seeks 120 days authority. Supporting Shipper: American Motors Corporation, 1425 Plymouth Rd., Detroit, MI 48232.

MC 140820 (Sub-4–5TA), filed March 28, 1983. Applicant: A & R TRANSPORT, INC., 2996 N. Illinois 71, R.R. #3, Ottawa, IL 61350. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. Contract; irregular. *General commodities* (except Classes A and B explosives and household goods) between points in the United States, under a continuing contract with Chemical Interchange Co., St. Louis, MO. Supporting shipper: Chemical Interchange Co. Suite 1104, 11 S. Meramec, Clayton, MO 63105.

MC 159384 (Sub-4–1TA), filed March 28, 1983. Applicant: DAVID KURK, INC., P.O. Box 112, Eitzen, MN 55931. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South Eighth Street, Minneapolis, MN 55402. *Fertilizer,* from East Dubuque, Garner and Mason City, IA; Glenwood, Minneapolis, Pine Bend, Sleepy Eye and Vernon Center, MN to points in IA, MN, and WI. Supporting shippers are Northeast Farm Service Co. of Decorah, IA and Minn-Chem, Inc. of Sanborn, MN.

MC 165905 (Sub-4–2TA), filed March 25, 1983. Applicant: R & R TRUCKING, LTD., 207 South Union Street, Loyal, WI

54446. Representative: Richard A Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086. Contract; Irregular. *Salt* (except in bulk), from Akron, OH and St. Clair, MI to Loyal, WI under continuing contract(s) with Smith Feed Service, Inc., of Loyal, WI. An underlying ETA seeks 120 day authority. Supporting shipper: Smith Feed Service, Inc., 213 East Mill Street, Loyal, WI 54446.

MC 125853 (Sub-4–2TA), filed March 24, 1983. Applicant: TOWNE AIR FREIGHT, INC., 4135 West Progress Drive, South Bend, IN 46628. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204. Contract, irregular: *Iron oxide NOI,* in bags, from Valparaiso, IN to Chicago, IL and its commercial zone. RESTRICTED to continuing contracts with Pfizer Inc., 4901 Evans Avenue, Valparaiso, IN 46383.

Agatha L. Mergenovich,

Secretary.

FR Doc. 83-9700 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No. and specifics	Review Board [1]	Decided date
891	Norfolk and Western Railway Co., ICC-NW-C-6015, (Bituminous coal) via Port of Lamberts Point, VA	1	4-6-83
892	Norfolk and Western Railway Co., ICC-NW-C-0010, Supplement 2, (Iron or steel bars)	2	4-6-83
893	The Baltimore and Ohio Railroad Co., ICC-BO-C-0023, (Copper)	3	4-6-83
894	Norfolk and Western Railway Co., ICC-NW-C-0055, (Grain and soybeans)	1	4-6-83

Review Board No. 1, Members Parker, Chandler, and Fortier; Review Board No. 2, Members Carleton, Williams, and Ewing; Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9629 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-39 (Sub-No. 3)]

Rail Carriers: St. Louis Southwestern Railway Co. and St. Louis Southwestern Railway Co. of Texas; Abandonment; in Cherokee and Angelina Counties, TX; Findings

The Commission has issued a certificate authorizing the St. Louis Southwestern Railway Company and the St. Louis Southwestern Railway Company of Texas to abandon the 40.13 mile rail line between Rusk (milepost 594.00) and Keltys (milepost 634.13) in Cherokee and Angelina Counties, TX. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicants, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 days.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9694 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Order No. P-50]

Rail Carriers; Passenger Train Operation; Western Pacific Railroad Co.

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Seattle, Washington and Los Angeles, California. The operation of these trains requires the use of tracks and other facilities of Southern Pacific Transportation company (SP). A portion of the SP tracks at Gibson, California, are temporarily out of service because of a derailment. An alternative route is available via the Western Pacific Railroad Company between Sacramento and Bieber, California.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered

(a) Pursuant to the authority vested in me by order of the Commission decided April 29, 1982, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), the Western Pacific Railroad Company (WP), is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Southern Pacific Transportation Company (SP) at Sacramento, California and Bieber, California.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon

petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 8:15 p.m., March 27, 1983.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 28, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon the Western Pacific Railroad Company and upon the National Railroad Passenger Corporation (Amtrak), and a a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 27, 1983.

Interstate Commerce Commission.

John H. O'Brien,

Agent.

[FR Doc. 83-9691 Filed 4-12-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Proposed Consent Order in Action Alleging Violations of State and Federal Regulations Applicable to the Transportation, Storage, and Disposal of Hazardous Wastes

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 31, 1983, a proposed consent order in *United States* v. *Monochem, Inc., et al.*, Civil Action No. 8-81-64, was lodged with the United States District Court for the Southern District of Texas, Brownsville Division. The proposed consent order provides for injunctive relief and a monetary penalty with respect to alleged violations of State and federal regulations applicable to the storage of hazardous waste by a commercial warehouse facility located in Hidalgo, Texas.

The Department of Justice will receive, for thirty (30) days from the date of publication of this notice, written comments relating to the proposed order. Comments should be addressed to F. Henry Habicht, Acting Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Monochem, Inc., et al.*, D.J. Ref. 90-7-1-194.

The proposed consent order may be examined at the Office of the United States Attorney, Room 1200, United States Courthouse, 515 Rusk Street, Houston, Texas 77002; at the Region VI Office of the Environmental Protection Agency, Office of Regional Counsel, 28th Floor, 1201 Elm Street, Dallas, Texas 75270; and at the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice (Room 1515), Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent order may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice.

F. Henry Habicht II,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-9797 Filed 4-12-83; 8:45 am]

BILLING CODE 4410-01-M

National Institute of Justice

Summer Research Fellowship Program for 1983; Notice of Solicitation

The National Institute of Justice announces a competitive research solicitation entitled, Summer Research Fellowship Program for 1983. It is anticipated that approximately $50,000 will be allocated for the program with awards averaging $10,000. Funding recommendations will be made to the Director of the National Institute of Justice by a Peer Review Panel. To be eligible for consideration, proposals must be received by Monday, May 2, 1983.

Copies of this solicitation can be obtained by writing Joel Garner, National Institute of Justice, Office of Research and Evaluation Methods, 633 Indiana Avenue, N.W., Washington, D.C. 20531, or by calling him at (202) 724-8265.

James K. Stewart,

Director

[FR Doc. 83-9666 Filed 4-12-83; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel (Opera-Musical Theater Challenge/Advancement; Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater Challenge/Advancement) to the National Council on the Arts will be held on April 29-30, 1983, from 9:00 a.m.-5:30 p.m., at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

This 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. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions 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 with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C., 20506 or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 5, 1983.

[FR Doc. 83-9676 Filed 4-12-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

Arkansas Power & Light Co., Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Facility Operating License No. DPR-51, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications (TSs) for operation of Arkansas Nuclear One, Unit No. 1 (ANO-1) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment revises the TSs to allow the Acoustic Emission method for the inservice volumetric examination of the reactor coolant pump flywheels.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior Public notice of this amendment was not required

since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The licensee's application for amendment dated February 22, 1979, as supplemented August 18, November 30, and December 23, 1982, and February 15, 1983, (2) Amendment No. 74 to License No. DPR-51, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of April 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 83-9773 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-237]

Commonwealth Edison Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 75 to Provisional Operating License No. DPR-19, issued to Commonwealth Edison Company (the licensee), which revised the License and Technical Specifications for operation of the Dresden Nuclear Power Station, Unit 2 (the facility), located in Grundy County, Illinois. The amendment is effective as of the date of issuance.

The amendment approves changes to the License and Technical Specifications to support Cycle 9 operation of the facility using reload fuel supplied by, and the associated analyses performed by the Exxon Nuclear Company. The amendment also modifies technical specifications to: (1) Allow full-time operation utilizing hydrogen addition to the primary coolant; (2) change the floor drain leakage detection program; (3) change the pressure setpoints for three safety relief valves; and (4) allow removal of a safety-related snubber in order to maximize the efficiency of the pipe support system.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The applications for amendment dated December 21, 1982, February 1 and 7, and March 24, 1983 as supplemented by letters dated February 24, and March 10, 11, 18, and 31, 1983, (2) Amendment No. 75 to License No. DPR-19, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, Washington, D.C. 20555 and at the Morris Public Library, 604 Liberty Street, Morris, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of April 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-9774 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-213, 50-245 and 50-336]

Connecticut Yankee Atomic Power Co.; Northeast Nuclear Energy Company, et. al.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-61 issued to Connecticut Yankee Atomic Power Company for the Haddam Neck Plant and Amendment Nos. 90 and 84 to Provisional Operating License No. DPR-21 and Facility Operating License No. DPR-65, respectively, issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company and Northeast Nuclear Energy Company for the Millstone Nuclear Power Station, Units 1 and 2. The amendments revise the licenses for operation for the facilities. Haddam Neck is located in Middlesex County, Connecticut and Millstone Station is located in the Town of Waterford, Connecticut. The amendments are effective as of their date of issuance. However, the approved plans are to be implemented within 30 days of the date of issuance.

The amendments add license conditions to include the Commission-approved Safeguards Contingency Plan as a part of the licenses.

The licensees' filings, which have been handled by the Commission as applications, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made apppropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The Connecticut Yankee's filing dated March 31, 1982 and a revision thereto dated November 24, 1982, and the filing by Northeast Nuclear Energy Company dated June 2, 1982, consist of Safeguards Information and are being protected from unauthorized disclosure pursuant to 10 CFR 73.21.

For further details with respect to these actions, see: (1) Amendment No. 55 to License No. DPR-61 and Amendment Nos. 90 and 84 to License Nos. DPR-21 and DPR-65, respectively and (2) the Commission's related letter of transmittal dated April 5, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, the Russell Library, 119 Broad Street, Middletown, Connecticut 16457 and at the Waterford

Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (1) and (2) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 5th day of April 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-9775 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget Review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) the following information collection requirements for reclearance under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: Reclearance.

2. The title of the information collection: NRC Form 4, Occupational External Radiation Exposure History.

3. The form number if applicable: NRC–4.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: NRC Licensees.

6. An estimate of the number of responses: 37,200.

7. An estimate of the total number of hours needed annually to complete the requirement or request: 37,200.

8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: 10 CFR Part 20 establishes standards for protection against radiation hazards for all NRC Licensees. NRC Form 4 is used to keep records of the occupational exposure of individuals to ensure that the accumulated exposure does not exceed regulatory limits.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street N.W., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer Jefferson B. Hill, (202) 395–7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland this 6th day of April 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-9784 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission..

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) the following information collection requirements for reclearance under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: Revision.

2. The title of the information collection: 10 CFR 70.32(e) "Changes in Physical Security Plans: Licensees Possessing or Using Special Nuclear Material of Moderate and Low Strategic Significance."

3. The form number if applicable: NA.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: NRC Licensees.

6. An estimate of the number of responses: 57.

7. An estimate of the total number of hours needed annually to complete the requirement or request: 57.

8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: The final rule would allow licensees possessing special nuclear material of low and moderate strategic significance to make minor changes to their physical security plans without having to file a license amendment.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395–7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 6th day of April 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-9785 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) the following information collection requirements for reclearance under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: Reclearance.

2. The title of the information collection: NRC Form 5, Current Occupational External Radiation Exposure.

3. The form number if applicable: NRC Form 5.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: NRC Licensees.

6. An estimate of the number of responses: 4,060,000.

7. An estimate of the total number of hours needed annually to complete the requirement or request: 676,667.

8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: 10 CFR Part 20 establishes standards and protection against radiation hazards for all NRC Licensees. Section 20.401 requires each Licensee to maintain records showing the radiation exposure of all individuals for whom personnel monitoring is required. These records are kept on NRC Form 5.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street N.W., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer Jefferson B. Hill, (202) 395–7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland this 6th day of April 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-9786 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co.; Ohio Edison Co.; Pennsylvania Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications on the membership and responsibilities of the Onsite Safety Committee and Offsite Review Committee.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated December 6, 1982, (2) Amendment No. 67 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of April 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-9776 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[ASLBP Docket No. 82-468-01 OL; (NRC Docket Nos. 50-458-OL, 50-459-OL)]

Gulf States Utilities Co., et al. (River Bend Station, Units 1 and 2); Prehearing Conference Order

April 5, 1983.

Pursuant to 10 CFR § 2.751a, and the telephone request of counsel for the State of Louisiana concerning the prehearing conference date, his oral representation that none of the parties objected to a change in the date, and upon consideration of the entire record in this matter, it is this 5th day of April, 1983, Ordered:

1. That the prehearing conference shall commence at 9:30 a.m. on Tuesday, June 7, 1983 in Courtroom 801 of the State District Court, 19th Judicial District, Governmental Bldg., 222 St. Louis Street, Baton Rouge, LA 70801, and continue from day to day until completed;

2. That limited appearances will not be entertained at that time but will be scheduled to take place at a future date; and

3. That, in addition to the matters prescribed in section 2.751a, the parties indicated shall be prepared to discuss and, where appropriate, stipulate the following matters:

a. The Staff shall be prepared to state as precisely as possible the dates when the Safety Evaluation Report and its first supplement and the Final Environmental Statement will issue, identifying in some detail what subject matter may be missing from, or incomplete in those documents at the time of issuance;

b. Applicant shall be prepared to report on the status of Unit 2 and its relationship to this proceeding;

c. Intervenors and the State of Louisiana shall consult and prepare to state the extent to which their respective contentions can and should be consolidated;

d. The nature, extent, and timing of any discovery that may become necessary; and

e. The date when any or all of such matters as may be at issue would be ripe for hearing.

The service list is the most current and shall be used by all parties.

For the Board.

B. Paul Cotter, Jr.,

Administrative Judge.

[FR Doc. 83-9777 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Company, et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No 85 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of the date of issuance.

This change to the Technical Specifications allows the licensee to change the trip level setting requirements for the residual heat removal and core spray pump discharge pressure interlock.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated November 18, 1982, (2) Amendment No. 85 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington,

D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of April 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-9778 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Company, et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 86 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

This change to the Technical Specifications establishes revised vessel level setpoints that are consistent with a new common instrument zero level.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated December 13, 1982, (2) Amendment No. 86 to License No. DPR-49, and (3) the Commission's related Safety Evalution. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of April 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-9779 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-410]

Niagara Mohawk Power Corp.; Rochester Gas & Electric Corp.; Central Hudson Gas & Electric Corp.; New York State Electric & Gas Corp.; Long Island Lighting Co.; Notice of Receipt of Antitrust Information

The captioned applicants have submitted antitrust information in conjunction with their application for an operating license for a boiling water nuclear reactor known as Nine Mile Point Nuclear Station, Unit 2, located on the southeast shore of Lake Ontario, Oswego County, New York. The data submitted contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of the staff's antitrust review, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington, D.C. and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, requests for reevaluation may be submitted for a period of 30 days after the date of the **Federal Register** notice. The results of any reevaluation that is requested will also be published in the **Federal Register** and copies sent to the Washington, D.C. and local public document rooms.

A copy of the general information portion of the application for an operating license and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555, and at the local public document room at the Penfield Library, State University College at Oswego, Oswego, New York 13126.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the applicants' activities since the construction permit antitrust review should submit such request for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Section Leader, Antitrust and Economic Analysis Section, Site Analysis Branch, Office of Nuclear Reactor Regulation, on or before May 18, 1983.

Dated at Bethesda, Maryland this 6th day of April 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-9780 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259/260/296]

Tennessee Valley Authority; Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) is issued Amendment Nos. 87, 84 and 58 to Facility Operating License Nos. DPR-33, DPR-52 and DPR-68 issued to the Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units, 1, 2 and 3. The amendments are effective as of the date of issuance.

The amendments delete the Appendix B Environmental Technical Specifications (ETS) which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments is a ministerial action required as a matter

of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see: (1) The application for amendments dated February 11, 1983, (2) Amendment Nos. 87, 84, and 58 to Facility Operating License Nos. DPR-33, DPR-52, and DPR-68 and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated: at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-9781 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 76 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications with respect to limiting conditions of operation and surveillance requirements for the scram discharge system and the analog trip system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated January 10, 1983, (2) Amendment No. 76 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H. Street, N.W., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83-9782 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 77 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications pertaining to spiral unloading and reloading of the reactor core.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significance hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated February 22, 1982 (2) Amendment No. 77 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 28th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-9783 Filed 4-12-83; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13146; (812-5289)]

CIMCO Money Market Trust; Filing of Application

Notice is hereby given that CIMCO Money Market Trust ("Applicant), Heritage Way, Waverly, Iowa 50677, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on August 23, 1982, and an amendment thereto on March 14, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extend necessary to permit Applicant to compute its net asset value per share, using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and

rules thereunder for the text of the provisions from which Applicant seeks to be exempted.

Applicant states that it is a no-load, "money market" fund organized as a business trust under Massachusetts law. Applicant states that Century Investment Management Co., a wholly-owned subsidiary of Lutheran Mutual Life Insurance Company, serves as its investment adviser. Applicant states that its investment objective is to attain the highest current income consistent with the preservation of capital and the maintenance of liquidity. Applicant states that it will pursue its objective by investing in instruments that mature within twelve months from the date of purchase, including, but not limited to, the following: (1) Obligations issued by or guaranteed as to principal and interest either by the United States Government or its agencies or instrumentalities; (2) certificates of deposit, time deposits, bankers' acceptances and obligations of savings institutions, issued by banks regulated by the United States Government; (3) securities of foreign branches of United States banks and foreign securities payable in United States dollars; (4) commercial paper that is rated (at the time of purchase) at least A–1 by Standard and Poor's Corporation or Prime–1 by Moody's Investors Services, Inc., or, if not rated, then issued by a company having an outstanding debt issue rated at least "AA" by such services; (5) short-term corporate obligations rated at least "AA" by Standard and Poor's Corporation or Moody's Investors Services, Inc.; and (6) repurchase agreements with respect to its portfolio securities. Applicant represents that it will not invest in a repurchase agreement maturing in more than seven days if any such investment, together with other illiquid securities held by Applicant, would exceed 10% of Applicant's total assets.

Applicant represents that the maturities of it portfolio securities will be determined in accordance with the procedures set forth in Proposed Rule 2a–7 (Investment Company Act Release No. 12206, February 1, 1982) or, if that rule should ultimately be adopted, in accordance with the procedures set forth in the rule, as adopted. Applicant further represents that, when it enters into a reverse repurchase or firm commitment agreement, it will maintain in a segregated account, from the date it enters into such agreement, liquid assets equal in value to the amount due on the settlement date under the agreement, in accordance with Investment Company Act Release No. 10666 (April 18, 1979).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states that in order to attract and retain investors, it must maintain a stable net asset value and a constant and steady flow of investment income. Applicant believes that it can provide these qualities by valuing its assets on the basis of amortized cost. Applicant states that, given the nature of its policies and operations, there will normally be a relatively negligible discrepancy between the market value and the amortized cost value of its portfolio securities. Applicant represents that its board of trustees has determined in good faith that, absent unusal or extraordinary circumstances, the amortized cost value reprsents fair value of its portfolio securities and that the amortized cost method of valuation is appropriate and preferable for the Applicant.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of trustees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

a. Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of Applicant's net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include *inter alia*, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

b. The board of trustees will promptly consider what action, if any, should be taken, in the event such deviation from Applicant's $1.00 amortized cost price per share exceeds 1/2 of 1 percent.

c. Where the board of trustees believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant states that it will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the

discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, are of comparable quality as determined by the board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2 (c) above was taken during the preceding fiscal quarter, and, if any action was taken, Applicant will describe the nature and circumstances of such action.

Applicant asserts that, in light of the foregoing, the exemption requested is appropriate in the public interest and consistent with the protection of investors, and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 2, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9791 Filed 4-12-83; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

April 7, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Hercules Incorporated
Common Stock, No Par Value (File No. 7–6558)
Northwest Industries Inc.
Common Stock, No Par Value (File No. 7–6559)
Tesoro Petroleum Corporation
Common Stock, $0.16 2/3 Par Value (File No. 7–6560)
Texas International Company
Common Stock, $0.10 Par Value (File No. 7–6561)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 28, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9794 Filed 4-12-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22–12304]

The Dow Chemical Co., and Union Carbide Corp.; Application and Opportunity for Hearing

April 7, 1983.

Notice is hereby given that The Dow Chemical Company, a Delaware corporation ("Dow") and Union Carbide Corporation, a New York corporation ("Carbide"), have filed a joint application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Citibank, N.A., a national banking association ("Citibank"), under four existing indentures of Dow and one existing indenture of Carbide, all five indentures being qualified under the Act (the "Five Qualified Indentures") and the trusteeship by Citibank under a proposed Trust Agreement to be dated on or after March 1, 1983 and to be entered into between the DCS Capital Corporation (the "Company") and Citibank, Trustee (the "New Indenture" or the "Trust Agreement", the Five Qualified Indentures and the New Indenture being referred to collectively as the "Indentures"), are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as Trustee under the Five Qualified Indentures.

Dow and Carbide allege that:

1. Pursuant to the New Indenture, the Company proposes to issue its short-term promissory notes (the "Promissory Notes") to purchasers. The proceeds of the sale of these Promissory Notes will in turn be loaned to an affiliated Delaware general partnership, DCS Capital Partnership (the "Partnership") pursuant to a Financing Agreement to be dated on or after March 1, 1983 between the Company and the Partnership (the "Financing Agreement"). The proceeds of the loan from the Company will be used by the Partnership to facilitiate the construction of an ethylene plant in Joffre, Alberta.

The Partnership will be composed of three partners, Prentiss Glycol Company ("PGC"), a wholly-owned subsidiary of Carbide, Dofinco, Inc. ("Dofinco"), a wholly-owned subsidiary of Dow and Scotlene, Inc., ("Scotlene"), a wholly-owned subsidiary of Shell Canada Limited, a Canadian corporation ("Shell Canada"). Dow and Carbide, as the respective parents of Dofinco and PGC, will each have certain ultimate obligations to provide funds in the event that other funds available to the Partnership are insufficient to pay certain indebtedness of the Partnership.

2. Dow had outstanding on February 1, 1983 the following described securities issued under the following indentures, each of which was qualified under the Act in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file

number of each Registration statement being set forth in parentheses below:

(a) $100,000,000 4.35% Debentures due September 15, 1988, under Indenture dated as of September 15, 1963, between Dow and Citibank, Trustee (File No. 2–21682);

(b) $150,000,000 8.875% Debentures due May 1, 2000 under Indenture dated as of May 1, 1979 between Dow and Citibank, Trustee (File No. 2–38607);

(c) $100,000,000 7.625% Debentures due July 1, 2003, under Indenture dated as of July 1, 1973, between Dow and Citibank, Trustee (File No. 2–48318).

(d) $300,000,000 8.65% Debentures due February 15, 2008, under Indenture dated February 15, 1978, between Dow and Citibank, Trustee (File No. 2–60717).

3. Carbide had outstanding on February 1, 1983, $200,000,000 7.5% Debentures due December 15, 2006, under Indenture dated December 15, 1976 between Carbide and Citibank, Trustee.

4. The securities issued under each of the indentures listed in paragraphs 2 and 3 are wholly unsecured.

5. On or after March 1, 1983, Citibank, as Trustee, plans to enter into the Trust Agreement with the Company, pursuant to which the Company intends to issue Promissory Notes. Since it is intended that the Promissory Notes will be exempt securities under Section 3(a)(3) of the 1934 Act, no qualification of the Trust Agreement will be sought under the Act.

6. As stated in paragraph 1 above, the Company will lend the proceeds of the sale of its Promissory Notes to the Partnership, and pursuant to the Financing Agreement the Partnership will issue its partnership note (the "Partnership Note") in a principal amount equal to the principal amount of the Promissory Notes outstanding from time to time. The Partnership Note will be pledged to Citibank as Trustee under the trust Agreement as security for the Promissory Notes.

7. In order to facilitate the construction of an ethylene plant at Joffre, Alberta, to be owned and operated by The Alberta Gas Ethylene Company Ltd., an Alberta corporation ("AGEC"), the Partnership intends to make loans from time to time to AGEC pursuant to a Loan Agreement to be dated on or after March 1, 1983 (the "Loan Agreement") between AGEC and the Partnership, such loans to be evidenced by one or more notes issued to the Partnership by AGEC (the "AGEC Notes").

8. In order to provide credit support for the Partnership, PGC, Dofinco and Scotlene as partners in the Partnership will enter into a Cash Deficiency Agreement, to be dated on or after March 1, 1983 (the "Cash Agreement"), with the Partnership, whereby PGC, Dofinco and Scotlene will agree severally to make certain deficiency payments, in amounts as determined therein, in the event that other funds available to the Partnership are insufficient to pay amounts due under the Parntership Note or certain other indebtedness of the Partnership. In addition, the Partnership will enter into three separate Guarantee Agreements, each to be dated on or after March 1, 1983 (the "Guarantee Agreements"), with each of Dow, Carbide and Shell Canada as the respective parent corporations of Dofinco, PGC and Scotlene. Pursuant to the Guarantee Agreements, Dow, Carbide and Shell Canada will agree to guarantee the obligations of their respective subsidiaries under the Cash Deficiency Agreement.

9. The payment obligations contained in the Guarantee Agreements are unsecured general obligations of the respective corporations. Pursuant to a Consent, Assignment and Agreement, to be dated on or after March 1, 1983 (the "Consent"), the Partnership will pledge and assign to Citibank as Trustee, as security for payment on the Partnership Note, certain of its rights under the Cash Deficiency Agreement and the Guarantee Agreements. As parties to the Consent, PGC, Dofinco and Scotlene will consent to such pledge and assignment.

10. Under Section 7.08 of the 1963, 1970, 1973, and 1978 Dow Indentures (the "Dow Indentures"), Citibank shall not be deemed to have a conflicting interest by reason of being a trustee under another indenture under which any other securities of Dow are outstanding if Dow shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under the four Dow Indentures and such other indenture are not so likely to involve a material conflict of interest as to disqualify Citibank from acting as trustee under one of such indentures.

11. A similar provision is contained in Section 7.08 of the 1976 Carbide Indenture with respect to trusteeships held by Citibank under other indentures relating to securities where Carbide is the obligor.

12. Dow alleges that no default has existed at any time under the Dow Indentures. Similarly, Carbide alleges that no default has at any time existed under the 1976 Carbide Indenture. The respective obligations of Dow and Carbide in connection with the securities issued under such Indentures and, pursuant to their respective Guarantee Agreements in connection with the Partnership Note are wholly unsecured and rank *pari passu* with their respective obligations under the Five Qulaified Indentures.

13. The Dow Indentures all include sinking fund provisions as well as covenants relating to limitations on liens and sale and lease-back arrangements. Additionally, all of the Dow Indentures contain covenants to secure the debentures in the event that certain liens are incurred or in certain events relating to the merger or consolidation of Dow. The 1976 Carbide Indenture contains similar provisions as to a sinking fund, covenants of limitations on liens and sale and lease-back arrangements and the obligation of Carbide to secure the debentures in the event that certain liens are incurred or in certain events relating to the merger or consolidation of Carbide. The Cash Deficiency Agreement and the Guarantee Agreements include no comparable covenants.

14. The respective obligations of (a) Dow under the Dow Indentures and under the Guarantee Agreement to which Dow is a party and (b) Carbide under the 1976 Carbide Indenture and under the Guarantee Agreement to which Carbide is a party are all wholly unsecured and rank *pari passu* and are therefore not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as Trustee under any of such Indentures.

Dow and Carbide have each waived notice of hearing and any and all rights to specify procedures under Rule 8 (b) of the Commission's Rules of Practice with respect to the application.

Notice is further given that any interested person may, not later than April 30, 1983, request in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after such date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9799 Filed 4-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13150; (812-5481)]

Federal Life Insurance Company (Mutual), Federal Life Variable Annuity account A, Federal Life Variable Annuity Account C; and Fed Mutual Financial Services, Inc.; Application for an Order

April 7, 1983.

Notice is hereby given that Federal Life Insurance Company ("Federal Life") Federal Life Variable Annuity Account A ("Variable Account A") and Federal Life Variable Annuity Account C ("Variable Account C") separate accounts of Federal Life registered under the Investment Company Act of 1940 ("Act") as a single unit investment trust, and FED Mutual Financial Services, Inc. ("FED Mutual"), 3750 West Deerfield Road, Riverwoods, Illinois 60015, (collectively, "Applicants"), filed an application on March 8, 1983, and an amendment thereto on April 5, 1983 for an order amending a prior order pursuant to Section 11 of the Act for approval of the terms of certain offers of exchange and pursuant to Section 6(c) of the Act for exemption from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c-1 thereunder to the extent necessary to permit the transactions described in the application. All interested persons are referred to the application and amendment on file with the Commission for a statement of the facts and representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for a statement of the relevant provisions.

Federal Life established Variable Account C to fund group variable annuity contracts ("Contracts"). Variable Account C consists of two account divisions, each investing in the shares of one of two portfolios of Federal Life Money Market Fund, Inc.

Applicants received an order of the Commission on September 1, 1982 (Investment Company Act Release No. 12624), pursuant to Section 6(c) of the Act, including Variable Account C in the exemptive relief from various provisions of the Act previously accorded Federal Life, FED Mutual, and Variable Account A and, pursuant to Section 11 of the Act, approving the terms of certain offers of exchange. Applicants now seek an order of the Commission amending the prior orders to the extent necessary to establish three new account divisions in Variable Account C to invest in the shares of Portfolio of Bond Fund Shares, Inc., Portfolio of Equity Fund Shares, Inc., and Portfolio of Mutual Fund Shares, Inc., ("Portfolio Funds"), respectively, and to amend the terms of the Contracts. Applicants state that the amended Contracts provide for: (i) The deduction of premium taxes; (ii) the deduction of a contingent deferred sales charge of 1.5% of an aggregate amount withdrawn exceeding 10% of the contract value determined as of the beginning of the contract year; (iii) the deduction of an annual administrative fee of $25 at the end of each contract year; (iv) the assessment of a mortality, expense and distribution expense risk charge ("risk charge") at the rate of .95% annually; and (v) transfers of contract value among account divisions at relative net asset values, subject to certain conditions.

Relief Requested

Applicants request an exemption from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c-1 thereunder to the extent necessary or appropriate to allow Federal Life to recoup the expenses of distributing the amended Contracts from the contingent deferred sales charge on specified surrenders.

Applicants request an exemption from Sections 26(a) and 27(c)(2): (i) to allow Variable Account C, in connection with the three new account divisions, to act as custodian of its assets and to hold those assets not in trust; (ii) to allow Variable Account C to accept "book shares" issued by the Portfolio Funds in open account in lieu of actual share certificates; (iii) to allow Federal Life to deduct the risk charge from Variable Account C; (iv) to permit Federal Life to deduct a flat annual administrative fee of $25 per participant to reimburse it for bookkeeping and other administrative services performed by Federal Life which normally be performed by the custodian or trustee; and (v) to allow Federal Life to deduct premium taxes, if applicable, from premium payments allocated to Variable Account C.

In support of their requests, Applicants represent, among other things, that: (i) The contingent deferred sales charge will not under any circumstances exceed 1.5% of the total amount of premium payments made by a contract owner; (ii) to the best of Applicant's knowledge and belief, the annual administrative fee is the actual cost of providing those services and Applicants do not expect to profit from such fee; (iii) the risk charge is reasonable in relation to the risks assumed by Federal Life under the Contracts, consistent with the protection of investors insofar as it is designed to be competitive while not exposing Federal Life to undue risk of loss, and falls within the range of similar charges imposed upon competitive variable annuity products. Applicants state that the latter representation is based on their analysis of publicly available information about similar industry practices, taking into consideration such factors as current charge levels and the existence of expense charge guarantees and guaranteed annuity rates. Applicants further represent that Federal Life will maintain a memorandum at its Home Office, available to the Commission, setting forth in detail the products analyzed in the course of, and the methodology and results of, Federal Life's comparative survey. Federal Life also represents that it has determined that the use of the asset charge for distribution expenses has a reasonable likelihood of benefiting Variable Account C and its contract owners, and that a memorandum setting forth the basis for this representation will be maintained at Federal Life's Home Office and will be available to the Commission. Finally, Applicants represent that as a condition for obtaining relief, Variable Account C will only invest in funds which undertake to have a board of directors with a disinterested majority formulate and approve any plan under Rule 12b-1 to finance distribution expenses.

Section 6(c) of the Act provides, in pertinent part, that the Commission may exempt any person of the Act or its Rules and Regulations if and to the extent necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants also request approval pursuant to Sections 11(a) and 11(c) of the Act to permit Variable Account C participants to transfer part or all of their contract value in any account division to one or more other account divisions.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 29, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington,

D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon it own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9790 Filed 4-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19659; SR-MSE-83-1]

Midwest Stock Exchange, Inc.; Order Approving Proposed Rule Change

April 7, 1983.

The Midwest Stock Exchange, Incorporated ("MSE"), 120 LaSalle Street, Chicago, Illinois 60603, submitted on February 7, 1983, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to amend Article XXX, Rule 15 of the MSE rules to require that claims for transaction reports be made within five business days of: (i) the original trade date if the claim involves an erroneous comparison, or (ii) the date an order should have been executed if the claim involves the omission of a report. The existing MSE rules permit such claims to be filed within 10 business days.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19537 (February 24, 1983)) and by publication in the **Federal Register** (48 FR 9116, March 3, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9795 Filed 4-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19656; File No. SR-OCC-83-6]

Options Clearing Corporation ("OCC"); Filing and Immediate Effectiveness of Proposed Rule Change

April 6, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 25, 1983, OCC filed with the Securities and Exhange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend OCC's foreign currency settlement procedures to allow OCC to pay settlement money in respect of foreign currency that has been delivered to OCC's foreign correspondent bank either: (i) To the delivering clearing member or (ii) if the delivering clearing member so authorizes, directly to a bank designated by the delivering clearing member and approved by OCC.

The purpose of the proposed rule change is to alleviate financing problems that a number of smaller capitalized clearing members are experiencing under OCC's current foreign currency exercise settlement procedures. Because OCC acts as a conduit in facilitating foreign currency exercise settlement, a delivering clearing member must deliver the underlying currency to OCC prior to receiving settlement funds.[1] As a practical matter, smaller capitalized clearing members must finance foreign currency delivery by obtaining a "loan" of the currency from a bank. In its filing, OCC stated that the current OCC settlement rule, which provides that OCC will pay the aggregate exercise price to delivering clearing members, does not provide the "lending" bank with adequate assurance that delivering clearing members will pay them the exercise price they receive in settlement.

The proposed rule change is intended to obviate this problem by enabling clearing members to authorize OCC to pay the aggregate exercise price directly to the delivering member's foreign currency bank. In its filing, OCC stated that the banks have indicated to OCC that this would be a satisfactory way to resolve their concern and therefore would make them more amenable to participating in foreign currency settlement for smaller clearing members.

OCC believes that the proposed rule change is consistent with the Act because it facilitates the participation of all clearing members in trading foreign currency options. In addition, OCC stated that the proposed rule change will not effect OCC's ability to safeguard securities and funds which are in its custody or control or for which it is responsible.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of pubication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–OCC–83–6.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in

[1] OCC's foreign currency exercise settlement procedures consist of three steps. First, prior to the opening of business on the day before settlement date, clearing members with receive obligations must pay OCC the aggregate exercise price for all foreign currency option contracts due to settle the following day. Second, on the exercise settlement date, clearing memers with delivery obligations must direct delivery of the underlying foreign currency from their respective foreign correspondent bank account to OCC's foreign correspondent bank account. Third, after the first two steps are successfully completed and OCC receives notice from its correspondent bank that the specific foreign currency has been delivered, OCC will pay the delivering member the aggregate exercise price and concurrently cause OCC's foreign correspondent bank to deliver the foreign currency to the account of the receiving clearing member at that member's foreign correspondent bank.

accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C.

Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9792 Filed 4-12-83; 8:45 am]

BILLING CODE 8010-01-M

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing; Proposed Comprehensive Plan Addition—Clover Creek Watershed Plan

The Susquehanna River Basin Commission (SRBC) will hold a public hearing to receive comments from citizens, government agencies and others on the proposed addition of the Clover Creek Watershed Plan to its *Comprehensive Plan for Management and Development of the Water Resources of the Susquehanna River Basin.* The hearing has been scheduled for Thursday, May 12, 1983 at the Commission headquarters building, 1721 N. Front St., Harrisburg, Pa. following the regular meeting of the Commission which begins at 9:00 a.m.

The Susquehanna River Basin Compact, Pub. L. 91-575, 84 Stat. 1509 et seq., requires the Commission to maintain a Comprehensive Plan for the immediate and long-range use, management and development of the water and related resources of the basin. Initially adopted in December 1973, the Plan provides a basinwide strategy to guide the Commission and others in the management, use and conservation of the basin's resources. The Plan is also used to evaluate proposed water resurce developments that the Commission must, by law, approve. Federal agencies must exercise their powers in a manner that does not substantially conflict with the Comprehensive Plan.

Clover Creek is a tributary of the Frankstown Branch of the Juniata River and covers a watershed area of 33,280 acres in Blair County Pa. The Clover Creek Watershed Plan is a U.S. Soil Conservation Service (SCS) land treatment project, sponsored by the Blair Conservation District, which incudes measures to reduce erosion and sediment on agricultural land, soil nutrient losses, sediment and nutrient loading of streams and agricultural pollutants from livestock wastes.

Total project cost is estimated to be about $1,853,800 of which $1,279,400 is to be borne by Pub. L. 83-566 funds and $574,400 by project sponsors and landowers.

At its regular meeting on March 31, 1983, the Commission agreed to consider the project for adoption into the SRBC Comprehensive Plan. Adoption into the Comprehensive Plan will affirm the project's compliance with the goals and objectives of the Comprehensive Plan, thus clearing the way for project implementation by the Federal Government and local sponsors.

The May 12th hearing will be informal in nature. Interested parties are invited to attend the hearing and to participate by making oral or written statements presenting their data, views and comments on the proposed addition. Those wishing to personally appear to present their views are urged to notify the Commission in advance that they desire to do so. However, any person who wishes to be heard will be given opportunity to be heard, whether or not they have given such notice. After the hearing, the Commission will evaluate all relevant material and decide whether to adopt the project into the Comprehensive Plan.

Further background information on the Clover Creek Watershed Plan is available at the offices of the Susquehanna River Basin Commission, 1721 N. Front St., Harrisburg, Pa. 17102, (717) 238-0423, during regular business hours. Additional information may also be obtained through the Soil Conservation Service, P.O. Box 985, Federal Square Station, 228 Walnut St., Harrisburg, Pa. 17108, (717) 782-4453.

Dated: April 15, 1983.

Robert J. Bielo,

Executive Director.

[FR Doc. 83-9687 Filed 4-12-83; 8:45 am]

BILLING CODE 7040-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Motor Carrier Advisory Committee; Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA announces that the Section 19 Study Subcommittee of the National Motor Carrier Advisory Committee will hold a meeting on April 13, 1983, beginning at 9:00 a.m., in Des Moines, Iowa, at the Marriott Hotel, 700 Grand Street. The meeting is open to the public.

The agenda for the meeting will be a discussion of proposals for achieving uniformity in State commercial motor vehicle regulation.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Stapleton, Executive Director, National Motor Carrier Advisory Committee, Federal Highway Administration, HCC-20, Room 4224, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-0824. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

Issued on: April 6, 1983.

L. P. Lamm,

Deputy Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 83-9519 Filed 4-12-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[Docket No. 83-15]

Policy Statement Regarding Non-Bank Bank Approvals

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Policy Statement on Non-bank Bank Approvals.

SUMMARY: The Bank Holding Company Act defines a bank as an institution which both accepts demand deposits and makes commercial loans. If an institution does not offer one of these services, it is not subject to the Act. Recently there has been an increasing interest in the chartering of such limited purpose institutions, which are commonly referred to as "non-bank banks." This trend involves questions of public policy which Congress has begun to explore and debate. The Office of the Comptroller of the Currency ("Office") believes that free and open debate on these public policy questions will be encouraged by the absence of the pressure of market place innovations at the national level which could outpace Congressional deliberations. Therefore, the Office is announcing a moratorium on approvals on non-bank banks. The moratorium will run to January 1, 1984.

The moratorium does not apply to those applications for non-bank banks that were accepted by the Office for filing before April 6, 1983. The Office will continue to accept new applications for non-bank banks, but will not issue

decisions on those applications while the moratorium is in effect. In addition, the Office will accept and decide applications for (1) National banks whose acquisition by a bank holding company across state lines is authorized by state law under the terms of the Douglas Amendment to the Bank Holding Company Act (12 U.S.C. 1842(d)); and (2) most national trust banks (*see* 12 CFR 5.22). However, the moratorium will cover decisions on applications for national trust banks by organizers who act as the investment advisors to open-end investment companies.

EFFECTIVE DATE: April 6, 1983.

FOR FURTHER INFORMATION CONTACT: Ford Barrett, Assistant Chief Counsel (202) 447–1896; or Alan Priest, Attorney (202) 447–1880; Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, D.C. 20219.

Authority: 12 U.S.C. 1 *et seq.*

Policy Statement Regarding Non-Bank Bank Approvals

Over the past year, several institutions have sought to expand their retail financial services by establishing banks that do not make commercial loans. These limited purpose institutions (so-called "non-bank banks") have afforded financial service providers an opportunity to expand their consumer service activities in compliance with the federal banking laws.

The delivery of financial services today is more costly and less efficient because of the restrictions on banks' product lines and geographic locations. In an earlier era of regulated interest rates, banks built brick and mortar delivery systems with high fixed costs to gather low-cost deposits. Today, in an era of deregulated interest rates, those costs may not be supportable by limited product lines. Technology may be quickly making banks' brick and mortar delivery systems obsolete.

Congress has recognized the significance of these and other structural changes that have already occurred and will continue to occur. Congress has begun hearings on the Glass-Steagall Act, which restricts banks' products, and the McFadden Act and Douglas Amendment to the Bank Holding Company Act, which limit banks' ability to expand geographically. In addition, the Administration will soon resubmit its proposal to expand the powers of bank holding companies.

In light of the hearings, the Office believes that a moratorium on non-bank banks at this time will help foster free and open debate on these important policy issues by reducing the pressure of escalating marketplace innovations at the national level that could outpace Congressional deliberations. Therefore, the Office is announcing a moratorium on the approval of new applications for non-bank banks. The moratorium will run to January 1, 1984.

The moratorium does not apply to those applications for non-bank banks that were accepted for filing before April 6, 1983. The Office will continue to accept new applications for non-bank banks, but will not issue decisions on those applications while the moratorium is in effect. In addition, the Office will accept and decide applications for (1) National banks whose acquisition by a bank holding company across state lines is authorized under state law under the terms of the Douglas Amendment to the Bank Holding Company Act (12 U.S.C. 1842(d)); and (2) most national trust banks (*see* 12 CFR 5.22). However, the moratorium will cover decisions on applications for national trust banks by organizers who act as the investment advisors to open-end investment companies.

The moratorium has not been imposed on those applications which were accepted for filing before April 6, 1983, because the Office has determined that such a policy would be unfair to the applicants involved. The moratorium has been applied to new national trust bank applications by organizers who advise open-end investment companies, but not to other national trust bank applications, because the former applications involve issues in the current public debate while the latter applications do not.

The moratorium has been adopted for reasons of public policy. The office reaffirms that all non-bank bank charters issued by it to date have been in full compliance with all applicable laws. The Office believes they also represent good public policy. The moratorium has been imposed because the Office recognizes that important, broad policy issues are raised by the charters, as well as other marketplace innovations, that the Congress may wish to debate. During the moratorium, the Office looks forward to working with Congress to examine the full range of changes in the financial services industry, including changes in the thrift industry, changes in state law that affect geographic and product restrictions for state chartered banks, and technological developments that make new financial products and delivery systems possible.

Dated: April 7, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-9703 Filed 4-12-83; 8:45 am]

BILLING CODE 4810-33-M

VETERANS ADMINISTRATION

Privacy Act of 1974, Amendment of Systems Notices; Change Other Than Routine Use Statements

Notice is hereby given that the Veterans Administration is revising the paragraph pertaining to categories of individuals in the system, in the system of records entitled: Compensation, Pension, Education and Rehabilitation Records—VA (58 VA 21/22/28) as set forth on page 372 of the **Federal Register** of January 5, 1982. The above named paragraph of the systems notice is being rewritten to add two categories of records to the existing list. Currently, there is no mention in the "categories of individuals covered by the system" of individuals discharged under dishonorable conditions, nor is there any mention of those persons whose character of discharge was other than honorable and the VA determined that service was dishonorable for VA benefit purposes. Finally, there is no mention of individuals (other than spouses or dependents) who have erroneously or improperly filed a claim and who are, therefore, not entitled to title 38 benefits, and who do not have any military service. Category number 13 is being added to provide notice to the public that records are maintained in this system on all these individuals. Also, as a result of P.L. 96–342, claimants will begin training under the section 901 and section 903 programs of that Act. Category number 14 is being added to notify the public that records are maintained in this system on such individuals.

The Privacy Act of 1974, 5 U.S.C. 552a(e), requires agencies to inform the public of any changes to their system of records. However, since these changes do not alter the uses of the information in the system of records, public comment is not required. The changes are effective May 13, 1983.

Dated: April 7, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

In the system identified as 58 VA 21/22/28, "Compensation, Pension, Education and Rehabilitation Records—VA," appearing at page 372 of the **Federal Register** of January 5, 1982, the system notice is revised as follows:

58 VA 21/22/28

SYSTEM NAME:

Compensation, Pension, Education and Rehabilitation Records—VA.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals will be covered by this system.

1. Veterans who have applied for compensation for service-connected disability under 38 U.S.C. Chapter 11.

2. Veterans who have applied for nonservice-connected disability, under 38 U.S.C. Chapter 23.

3. Veterans entitled to burial benefits under 38 U.S.C. Chapter 15.

4. Surviving spouses and children who have claimed pension based on nonservice-connected death of a veteran under 38 U.S.C. Chapter 15.

5. Surviving spouses and children who have claimed pension based on service-connected death of a veteran under 38 U.S.C. Chapter 11.

6. Surviving spouses and children who have claimed dependency and indemnity compensation for service-connected death of a veteran under 38 U.S.C. Chapter 13.

7. Parents who have applied for death compensation based on service-connected death of a veteran under 38 U.S.C. Chapter 11.

8. Parents who have applied for dependency and indemnity compensation for service-connected death of a veteran under 38 U.S.C. Chapter 13.

9. Veterans who have applied for VA educational benefits under 38 U.S.C. Chapter 31, 32, and 34.

10. Spouses, surviving spouses and children of veterans who have applied for VA educational benefits under 38 U.S.C. Chapter 35.

11. Servicemembers who have applied for educational benefits under 38 U.S.C. Chapter 34 and 35.

12. Servicemembers who have contributed money from their military pay to the post-Vietnam Era veterans Educational Account under 38 U.S.C. Chapter 32.

13. Individuals who have applied for title 38 benefits but who do not meet the requirements under title 38 to receive such benefits.

14. Veterans, servicemembers, spouses, surviving spouses and dependent children who have applied for benefits under the Educational Assistance Test program under sections 901 and 903 of Pub. L. 96–342.

[FR Doc. 83-9732 Filed 4-12-83; 8:45 am]

BILLING CODE 8320-01-M

Special Medical Advisory Group; Meeting

The Veterans Administration gives notice under Pub. L. 92–463 that a meeting of the Special Medical Advisory Group will be held in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC, on May 18 and 19, 1983. The purpose of the Special Medical Advisory Group is to advise the Administrator and the Chief Medical Director relative to the care and treatment of disabled veterans, and other matters pertinent to the Veterans Administration's Department of Medicine and Surgery.

The sessions will convene at 8:30 a.m. both days. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Von Hudson, Program Assistant, Office of the Chief Medical Director, Veterans Administration Central Office (phone 202/389–2298) prior to May 6, 1983.

Dated: April 5, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-9750 Filed 4-12-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 72 .
Wednesday, April 13, 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

CIVIL AERONAUTICS BOARD

Notice of additions to the April 7, 1983 meeting.

TIME AND DATE: 9:30 a.m. April 7, 1983.
PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.
SUBJECT:

25. Discussion on Peru. (BIA)
26. Discussion on Canada. (BIA)

STATUS: Closed.
PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary (202) 673–5068.

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 18, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

SUMMARY AGENDA: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations regarding the Corporation's assistance agreements with insured banks pursuant to section 13(c) of the Federal Deposit Insurance Act.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c) (6), (c) (8), and (c) (9) (A) (ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c) (6), (c) (8), and (c) (9) (A) (ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda

Application for consent to merge and establish branches:

The Community Savings Bank, Rochester, New York, an insured mutual savings bank, for consent to merge, under its charter and with the title "Rochester's Community Savings Bank," with Rochester Savings Bank, Rochester, New York, and to establish the nineteen offices of Rochester Savings Bank as branches of the resultant bank.

Application for consent to exercise limited trust powers:

The Bowery Savings Bank, New York City (Manhattan), New York.

Applications pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of a trust as a director, officer, or employee of an insured bank:

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c) (8), and (c) (9) (A) (ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c) (8), and (c)(9) (A) (ii)).

Request for relief from adjustment for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(8) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 11, 1983.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-517-83 Filed 4-11-83; 12:04 pm]
BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:05 a.m. on Wednesday, April 6, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding the granting of assistance, under section 13(c)(2) of the Federal Deposit Insurance Act, to United Southern Bank of Nashville, Nashville, Tennessee.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation Business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to

subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: April 8, 1983.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-516-83 Filed 4-11-83; 12:05 pm]
BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, April 18, 1983, to consider the following matters:

SUMMARY AGENDA:

No substantive discussion of the following items is anticipated. These matter will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance for a state-licensed United States branch of a foreign bank:

Hongkong and Shanghai Banking Corporation, Hong Kong, for Federal deposit insurance of deposits received at and recorded for the account of its state-licensed branch to be located at 36–54 Main Street, Flushing, New York.

Applications for consent to merge and establish branches:

Home Bank, Signal Hill, California, an insured State Nonmember bank, for consent to merge, under its charter and title, with Bank of Manhattan, Manhattan Beach, California, and to establish the sole office of Bank of Manhattan as a branch of the resultant bank.

Branch Banking and Trust Company, Wilson, North Carolina, an insured State Nonmember bank, for consent to merge, under its charter and title, with City National Bank, Charlotte, North Carolina, and to establish the five offices of City National Bank as branches of the resultant bank.

Farmers Bank and Trust Company of Hanover, Hanover, Pennsylvania, an insured State Nonmember bank, for consent to merge, under its charter and title, with The First National Bank of Fairfield, Fairfield, Pennsylvania, and to establish the three offices of The First National Bank of Fairfield as branches of the resultant bank.

Application for consent to merge, establish one branch and exercise limited trust powers:

Springfield Institution for Savings, Springfield, Massachusetts, an insured State mutual savings bank, for consent to merge, under its charter and title, with Nonotuck Savings Bank, Northampton, Massachusetts, to establish the sole office of Nonotuck Savings Bank as a branch of the resultant bank, and to exercise limited trust powers.

Applications for consent to purchase assets and assume liabilities and for consent to establish one branch:

Iowa Trust & Savings Bank, Oskaloosa, Iowa, an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in First State Bank of What Cheer, What Cheer, Iowa, and to establish the sole office of First State Bank of What Cheer as a branch of the Iowa Trust & Savings Bank.

American Marine Bank, Winslow, Washington, an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in the Third and Marion Branch of Seattle-First National Bank, Seattle, Washington, and to establish that office as a branch of American Marine Bank.

Application for consent to convert into a non-FDIC insured institution:

Jamaica Savings Bank, New York City (Jamaica), New York.

Request for an extension of time to establish a branch:

St. Joseph Bank and Trust Company, South Bend, Indiana, South Bend, Indiana, for an extension of time within which to establish a branch at 401 Lincoln Way West, Mishawaka, Indiana.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,655–L: Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Case No. 45,658–NR: United States National Bank, San Diego, California.

Memorandum and Resolution re: The First National Bank in Humboldt, Humboldt, Iowa.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Gable & Gotwals, Tulsa, Oklahoma, in connection with the receivership of Penn Square Bank, National Association, Oklahoma City, Oklahoma.

Schall, Boudreau & Gore, San Diego, California, in connection with the liquidation of Pacific Coast Bank, San Diego, California (two memorandums).

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Audit Report re: Assessment Audit Activities, dated November 30, 1982.

Audit Report re: Project Review of the Remote Entry Examination Processing System—Interim Audit Report #2, dated March 16, 1983.

Discussion Agenda:

No matters scheduled

The meeting will be held in the Board Room on the sixth Floor of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (292) 389–4425.

Dated: April 11, 1983.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-519-83 Filed 4-11-83; 12:06 pm]
BILLING CODE 6714-01-M

5

FEDERAL MARITIME COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: April 8, 1983, 48 FR 15362.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 13, 1983, 9:00 A.M.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

3. United States of America v. Federal Maritime Commission, D.C. Circuit No. 80–1251.

[S-510-83 Filed 4-8-83; 4:23 pm]
BILLING CODE 6730-01-M

6

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS)

TIME AND DATE: 10:00 a.m., Monday, April 18, 1983.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposal to reduce requirements for reporting of deposits by small depository institutions. (Proposed earlier for public comment; Docket No. R-0459.)
2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: April 8, 1983.

James McAfee,

Associate Secretary of the Board.

[S-514-83 Filed 4-11-83; 11:29 am]

BILLING CODE 6210-01-M

7

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS)

TIME AND DATE: Approximately 10:30 a.m., Monday, April 18, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of high-speed currency processing equipment within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Proposed acquisition of computers within the Federal Reserve System. (This item was originally announced for a meeting on April 13, 1983.)
4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: April 8, 1983.

James McAfee,

Associate Secretary of the Board.

[S-515-83 Filed 4-11-83; 11:30 am]

BILLING CODE 6210-01-M

8

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

TIME: 9:00 a.m. to 5:00 p.m., 9:00 a.m. to 4:00 p.m.

DATE: April 20 and 21, 1983, respectively.

PLACE: Hyatt Regency Washington Capitol Hill Yellowstone Room.

STATUS: Open.

MATTERS TO BE DISCUSSED: Opening Remarks, Chairman; Chairman's Report; Approval of Agenda; Approval of November 22-23, 1982, Minutes; Executive Director's Report; Status Reports on FY 1983 Programs; Task Force Report—Library and Information Services to Cultural Minorities; Videotape—Joint Congressional Hearing on Information Needs of Rural America; Task Force Report—Community Information and Referral Services; Old Business; New Business—School Media Center Corcerns, Preliminary Discussion of FY 1985 Programs; Task Force Report—The Role of the Special Library in Nationwide Networks and Cooperatives; Stephen D. Bryen, Deputy Assistant Secretary of Defense, International Economic, Trade and Security Policy on Reciprocity and Technology Transfer.

CONTACT PERSON FOR MORE INFORMATION: Toni Carbo Bearman, Executive Director.

Dated: April 8, 1983.

Toni Carbo Bearman,

NCLIS Executive Director.

[S-521-83 Filed 4-11-83; 12:24 pm]

BILLING CODE 7527-01-M

9

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

DATE: April 25 and 26, 1983.

PLACE: Room 311, Cannon H.O.B., Washington, D.C.

TIME: April 25, 1:00 p.m. to 5:00 p.m., April 26, 10:00 a.m. to 1:00 p.m.

PURPOSE: The Washington hearing will focus on alternative loan programs. In particular, supplemental options for the existing programs, tax incentives and alternatives that would replace the existing system.

FOR FURTHER INFORMATION CONTACT: Donna M. Lumia, Public Hearings Coordinator (202) 724-2914.

Submitted the 8th day of April, 1983.

Richard T. Jerue,

Chief Executive Officer.

[S-522-83 Filed 4-11-83; 2:32 pm]

BILLING CODE 6820-BC-M

10

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 9 a.m., Wednesday, April 13, 1983.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: To consider candidates for Regional Director, Region 24, Puerto Rico, and other personnel matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570, telephone: (202) 254-9430.

Dated: Washington, D.C., April 8, 1983.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S-511-83 Filed 4-8-83; 4:26 pm]

BILLING CODE 7545-01-M

11

NATIONAL LABOR RELATIONS BOARD.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

FOR FURTHER INFORMATION CONTACT: Ernest Russell, Director of Administration, National Labor Relations Board, 717 Pennsylvania Avenue, NW., Washington, D.C. 20570, (202) 254-9200.

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

Schedule for Awarding Senior Executive Service Bonuses: The National Labor Relations Board intends to award Senior Executive Service bonuses for the performance rating cycle of January 1, 1982 through December 31, 1982, with payouts scheduled by September 30, 1983.

Dated: Washington, D.C., April 8, 1983.

By direction of the Board.

John C. Truesdale

Executive Secretary, National Labor Relations Board.

[S-512-83 Filed 4-8-83; 4:26 p.m.]

BILLING CODE 7445-01-M

12

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-83-9]

TIME AND DATE: 9 a.m., Tuesday, April 19, 1983.

PLACE: NTSB Board Room, 800 Independence Ave. SW., Washington, D.C. 20594.

STATUS: The first two items will be open to the public; the third item will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Railroad Incident Report:* Fire on Amtrak Train No. 11, The Coast Starlight, Gibson, California, June 23, 1983, and *Recommendations* to the National Railroad Passenger Corporation (Amtrak) and the Federal Railroad Administration.
2. *Notice of Proposed Rulemaking* to amend 49 CFR Part 821, The Board's Rules of Practice in Air Safety Proceedings.
3. *Opinion and Order:* Administrator v. Golden Eagle Air Service, Inc., Docket SE-5589; disposition of the Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382-6525.

Dated: April 8, 1983.

[S-513-83 Filed 4-8-83; 5:06 pm]

BILLING CODE 4910-58-M

13

NUCLEAR REGULATORY COMMISSION.

DATE: Week of April 11, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Monday, April 11

10:00 a.m.

Discussion/Possible Vote on Proposed Response to Union of Concerned Scientists Petition for Rulemaking on Emergency Planning (Closed—Ex. 10).

Thursday, April 14

9:30 a.m.

Discussion/Possible Vote on Restart of Salem Units 1 and 2 (Public Meeting)

11:00 a.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

2:00 p.m.

Discussion of Regulatory Reform Task Force—Administrative Proposals—Backfit Rule (Public Meeting)

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Waste Confidence Order (Tentative)
b. Rule on Extended Spent Fuel Storage (Tentative)
c. Final Rulemaking Concerning Licensed Operator Staffing at Nuclear Power Units and Draft Policy Statement on Shift Crew Qualifications
d. Proposed Response to Union of Concerned Scientists Petition for Rulemaking on Emergency Planning (Tentative)

Friday, April 15

2:00 p.m.

Discussion of Steps to Decision in TMI-1 Restart Proceeding (Open/Portions Closed—Ex. 10).

ADDITIONAL INFORMATION:

On March 30 the Commission voted 5-0 to hold Affirmation of Indian Point Order; Regulations to Implement Public Law 97-415; and Sua Sponte Review of Order in Commanche Peak, held that day.

Briefing on Systems Interaction scheduled for March 31, *postponed.*

On April 1 the Commission voted 4-0 (Commissioner Gilinsky not present) to hold Affirmation of Commanche Peak Order and NFS-Erwin Order, held that day.

Briefing on Shoreham scheduled for March 30 *moved* to April 5.

On April 6, Affirmation of Proposed Response to Union of Concerned Scientists Petition for Rulemaking on Emergency Planning was held part open and part closed.

On April 6 the Commission voted 4-0 (Commissioner Gilinsky not present), to hold discussion of Possible Enforcement Action and Related Investigation, to be held April 8.

Hearing on NFS-Erwin scheduled for April 7 was *cancelled.*

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

[S-509-83 Filed 4-8-83; 4:23 pm]

BILLING CODE 7590-01-M

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PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL (NORTHWEST POWER PLANNING COUNCIL)

ACTION: Meeting notice.

STATUS: Open.

TIME AND DATE: April 12-13, 1983, 9:00 a.m.

PLACE: Council Central Office, 700 S.W. Taylor, Suite 200, Portland, Oregon

MATTERS TO BE CONSIDERED:

- Discussion of Comments Relating to the Draft Energy Plan.
- Council Business.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong (503) 222-5161. The Council determined, by recorded vote on April 7, 1983, that agency business requires a meeting on April 12-13, 1983, even though it is not practicable to provide seven (7) days notice of the meeting.

Edward Sheets,

Executive Director.

[S-516-83 Filed 4-11-83; 11:50 am]

BILLING CODE 0000-00-M

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SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of April 18, 1983, at 450 5th Street, N.W., Washington, D.C.

A closed meeting will be held on Tuesday, April 19, 1983, at 10:00 a.m. An open meeting will be held on Wednesday, April 20, 1983, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Commissioner Evans, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 19, 1983, at 10:00 a.m. will be:

Formal order of investigation.
Institution of injunctive actions.
Litigation matter.
Institution of administrative proceedings of an enforcement nature.
Settlement of injunctive action.

The subject matter of the open meeting scheduled for Wednesday, April 20, 1983, at 10:00 a.m. will be:

1. Consideration of whether to grant the application of James V. Kimsey to become associated with Asset Management International, Inc., in a propietary capacity. For further information, please contact Mary Binno at (202) 272-2318.

2. Consideration of whether to (i) issue a letter granting the Pacific Stock Exchange, Inc. an exemption from Rule

11Ac1–1 ("Quote Rule") under the Securities Exchange Act of 1934, and (ii) delegate to the Director of the Division of Market Regulation the authority to grant exemptions from the Quote Rule to exchanges and national securities associations. For further information, please contact William W. Uchimoto at (202) 272–2409.

3. Consideration of whether to propose for public comment Rule 22d–6 under the Investment Company Act of 1940 which would permit investment companies issuing redeemable securities, principal underwriters of such securities, and dealers therein to establish variations including negotiation in the sales loads on such securities under certain conditions. For further information, please contact Jeffrey S. Puretz at (202) 272–3036.

4. Consideration of whether to adopt technical amendments relating to various rules, forms and schedules under the Securities Act of 1933 and the Securities Exchange Act of 1934. For further information, please contact V. Gerard Comizio at (202) 272–2589.

5. Consideration of whether to publish for comment proposed Rule 158 under the Securities Act of 1933, which would define the terms "earning statement", "made generally available to its security holders" and "effective date of the registration statement" for purposes of the last paragraph of section 11(a) of the Securities Act. For further information, please contact Steven L. Molinari at (202) 272–2589.

6. Consideration of whether to propose for public comment Rule 3a12–8 under the Securities Exchange Act of 1934 ("Act") designating certain foreign government debt instruments as exempted securities under the Act solely for purposes of the trading of futures contracts covering such instruments. For further information, please contact Kevin Fogarty at (202) 272–2416.

7. Consideration of whether to issue a notice on an application filed by ML Venture Partners I, L. P. ("Partnership"), a limited partnership registered with the Commission as a business development company, and Merrill Lynch Venture Capital Co., L. P. ("Managing General Partner"), a registered investment adviser which serves as managing general partner of the Partnership, requesting an order pursuant to Section 206A of the Investment Advisers Act of 1940 exempting them from the provisions of Section 205(1) thereof to permit the Managing General Partner to receive, under certain circumstances, a performance fee on the basis of unrealized capital gains upon the Partnership's portfolio securities. For further information, please contact Brian Kaplowitz at (202) 272–2028.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272–2014.

Dated: April 8, 1983.

[S–520–83 Filed 4–11–83; 12:09 pm]

BILLING CODE 8010–01–M

federal register

Wednesday
April 13, 1983

Part II

Nuclear Regulatory Commission

Proposed Commission Policy Statement on Severe Accidents and Related Views on Nuclear Reactor Regulation

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Proposed Commission Policy Statement on Severe Accidents and Related Views on Nuclear Reactor Regulation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed Commission Policy Statement.

SUMMARY: This proposed Policy Statement summarizes the changes in rules, policies, and regulatory practices that constitute the NRC approach for severe accident rulemaking. The new approach as presented in the Policy Statement would, for all classes of existing or proposed nuclear power plants, replace unfocused, long-term generic rulemaking with: (1) Severe accident rulemakings designed to certify future standard plant designs and (2) regulatory decisions based on generic evaluations and decisions regarding all existing or proposed plants for which the standard plant rulemaking would not apply. The Policy Statement is presented in proposed form to provide all affected nuclear power plant licensees and applicants and other interested persons an opportunity to comment.

DATES: Submit comments by July 9, 1983. Comments received after that date will be considered if its is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments, suggestions, or recommendations to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined in the NRC Public Documents Room, 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Roger J. Mattson, Director, Division of Systems Integration, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492–7373.

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission published "The Advanced Notice of Rulemaking" in the **Federal Register** on October 2, 1980 [45 FR 65474]. In that notice, the Commission indicated that a long-term rulemaking effort was being initiated that would establish policy, goals, and requirements relating to core-melt accidents greater than the present design basis accident and invited public comment on proposals for treating severe accident issues. This Policy Statement summarizes the changes in rules, policies, and regulatory practices that constitute the NRC approach for severe accident rulemaking. The new approach would, for all classes of reactors, replace an unfocused, long-term generic rulemaking effort with severe accident rulemakings designed to certify specific standard plant design applications and with regulatory decisions based on generic evaluations and decisions regarding other classes of operating plants, plants under construction or proposed plants. It is expected that this approach would fully resolve the severe accident safety issues in the course of these rulemakings on specific standard plant designs and regulatory decisions on other classes of existing or future plants which may, or may not, include rulemaking. The Policy Statement proposes that final decisions on severe accident considerations for operating plants and plants under construction be accomplished in parallel with the standard plant reviews.

Proposed Commission Policy Statement on Severe Accidents and Related Views on Nuclear Reactor Regulation

I. Introduction: History and Purpose of the Policy Statement

The Nuclear Regulatory Commission mandated a series of changes in design and operation of nuclear power plants as a response to deficiencies revealed by the accident at Three Mile Island (TMI). The changes began with the operating Babcock and Wilcox plants and then the other operating plants. Later, the Commission set requirements for plants whose operating license (OL) review had been interrupted by the attention paid to operating plants. Still later, a separate set of requirements was developed for plants whose construction permit (CP) review had been interrupted. This last set of requirements, embodied in the Construction Permit/Manufacturing License Rule (hereinafter, the CP Rule) was published in effective form on January 15, 1982 (47 FR 2286).

In this Policy Statement, the Commission describes its policy and requirements for new CP applications and reactivated CP applications, and the Commission reiterates and discusses its present requirements with respect to accidents more severe than design basis accidents. We connect all of these requirements to our "Proposed Policy Statement on Safety Goals for Nuclear Power Plants" (48 FR 10772, March 14, 1983); to our standardization rules; and to other policy guidance under development such as siting policy. Although gascooled or other types of advanced reactors may be proposed in the future, they have not been considered in the development of this policy statement. Some of the policy points would apply to such plants; others would not.

As part of the Commission's response to TMI, an Action Plan (NUREG–0660, May 1980) was issued. Section II.B of that plan deals with the siting of plants and the requirements for coping with severe accidents. Consistent with that plan, the Commission has already issued one final and one proposed interim rule concerning hydrogen control issues in degraded core cooling (46 FR 58484, December 2, 1981, and 46 FR 62281, December 23, 1981). The concept of a generic rulemaking to reach final decisions on severe accidents also took form in the TMI Action Plan, Task II.B.8, "Rulemaking Proceeding on Degraded Core Accidents." This plan envisioned a long-term rulemaking extending beyond 1982 to establish policy, goals, and requirements related to accidents involving core damage greater than the present design basis for all classes of reactors: those operating, under construction, proposed for construction, or proposed as new standard plant designs. The task also included the interim step of an Advanced Notice of Rulemaking, issued on October 2, 1980 (45 FR 65474).

The presently proposed Policy Statement replaces this advanced notice of rulemaking. It represents a change from the envisioned plan for long-term rulemaking covering all classes of nuclear power plants in that the focus of rulemaking would, if adopted, be reduced to only one class of plants, namely, those proposed as new standard plants designs. However, the proposed Policy Statement provides the current views of the Commission on the process for arriving at severe accident decisions for operating plants, those under construction, or proposed for

construction for which standard plant rulemaking would not apply.

For the reasons discussed below, the Commission believes that nuclear power plants of modern designs (such as those proposed in CP applications docketed after the promulgation of the Standard Review Plan or now under consideration by U.S. vendors for future sales) can be shown to be acceptable for severe accident concerns if they meet the requirements of the CP Rule; if they achieve a technical resolution of Unresolved Safety Issues; and if they are adequately responsive to insights afforded by probabilistic risk assessments. This conclusion embodies due consideration of the Commission's Policy Statement on safety goals. It permits plants of modern design to be sited at locations with demographic and other safety-related characteristics that conform to our siting regulations and guidance. Further discussion of siting policy revision is found in Section IX of this Policy Statement.

As discussed below, our policy for the consideration of severe accidents contains nine interelated components: (1) Policy Statement on safety goals; (2) use of probabilistic risk analysis in severe accident decision making; (3) lessons learned from TMI; (4) the Standard Review Plan; (5) standardization policy; (6) further research on severe accidents; (7) treatment of sever accidents in ongoing licensing proceedings; (8) present views on other safety issues and efforts in progress; and (9) implementation of severe accident policy.

In accordance with the activities, views, and policy developments discussed in this Policy Statement, the Commission believes that it is possible to begin reviews of specific standard plant design applications with an expectation of fully resolving the severe accident questions in the course of the review. This belief is predicated on the availability of results from ongoing NRC, Industry Degraded Core Rulemaking (IDCOR), and vendor research; and insights from the Zion, Indian Point, and other risk assessments. The review of standard designs for future CPs provides incentive to industry to address severe accident phenomena. These reviews and ongoing research will also provide information needed for final decisions on severe accident considerations for operating plants and plants under construction. We expect to reach those final decisions within the next several years.

A three-step process will be used for severe accident decisions for plants in operation, under construction, or other classes of plants proposed for construction for which standard plant rulemaking would not apply. First, quantitative risk assessment techniques will be used to estimate the relative importance of potential nuclear power plant accident sequences or other features where sufficient data exists to make comparisons.

We do not plan for additional probabilistic risk assessments (PRAs) to be generated for this purpose. The existing ensemble of available PRAs (presently about 13 in number), will be normalized by updating of accident likelihood predictions and by recalculations of accident consequences using revised source terms currently being evaluated by the NRC staff. This approach will provide better understanding of the design features and site characteristics that are more favorable or less favorable to various risk contributions relative to the plants in the ensemble. Second, a range of possible design and operational changes to improve accident prevention and consequence mitigation capabilities will be studied to determine the costs and safety benefits of backfitting them to plants in operation or under construction. Finally, using engineering and policy judgment, supplemented by probabilistic risk assessment where appropriate, decisions will be made on whether reductions in severe accident risk are necessary. If reductions are necessary, our research should tell us how best to achieve them, whether by accident prevention or consequence mitigation, or by what balance of the two. We will also be able to decide whether the costs for various safety improvements are justified. Particular attention will be paid in these studies to areas of plant safety and safeguards where quantitative risk assessment techniques provide no guidance, or at best guidance of great uncertainty. Examples are resistance to sabotage or to massive external events such as earthquakes.

Our current general licensing policy and outline of future activities and schedules for severe accidents are treated in more detail below. Especially important for decisions on operating plants and plants under construction is their connection with severe accident research as described below.

II. Policy on Safety Goals

The Commission published a policy statement on safety goals for the operation of nuclear power plants in the **Federal Register** on March 14, 1983 [48 FR 10772]. The policy statement contains qualitative safety goals and quantitative design objectives which are intended to be consistent with the qualitative goals. The Commission also announced the start of a two-year period of evaluation for the policy statement in March, 1983. During the evaluation period, the qualitative safety goals and quantitative design objectives will not be used in the licensing process or be interpreted as requiring the performance of probabilistic risk assessments by applicants or licensees (see Part III). Rather, the NRC will continue to use conformance to regulatory requirements as the exclusive licensing basis for plants. Use of the policy statement during the evaluation period will be limited to uses such as examining proposed and existing regulatory requirements, establishing research priorities (see Part VII), resolving generic issues (see Parts IX, X), and defining the relative importance of issues as they arise. At the conclusion of the evaluation period, the Commission will consider if any revisions are necessary before the issuance of a final policy statement and a plan for its implementation.

III. Use of Probabilistic Risk Assessment in Severe Accident Decisionmaking

Probabilistic risk assessment is a process that can be used to supplement the current deterministic approach for reviewing design and operation of a nuclear power plant. It provides an integrated assessment of the relative importance of potential accident sequences and helps identify the weaknesses in plant design and operation that contribute to the most importance accident sequences. Many PRAs of U.S. nuclear power plants have been made since two plants were analyzed and reported in the Reactor Safety Study (WASH–1400). These PRAs include risk assessments done under the NRC's Reactor Safety Study Methodology Application Program (RSSMAP) and the Interim Reliability Evaluation Program (IREP), as well as a number of industry studies (Big Rock Point, Limerick, Zion, and Indian Point).

A continuation of IREP has been designated the National Reliability Evaluation Program (NREP). In the future, NREP may be implemented on other operating plants within the United States, individually or in groups, using a standard methodology emanating from IREP or the NRC and industry forum on PRA procedures sponsored by the Institutes of Electrical and Electronics Engineers (IEEE) and the American Nuclear Society (ANS).

Thus far, the PRAs of nuclear power plants have varied in scope, depth, and quality; but, taken as a whole, they indicate measurable growth in the

constructive use of the techniques of PRA to develop supplements to current regulatory practice. They lead us to conclude that PRA improves our unstanding of the severe accident sequences to which plants are most vulnerable and therefore of the dominant constituents of the risk posed by specific plants. In sum, considering the experience with risk assessments thus far made, we conclude that the cost-effectiveness of risk reduction measures can be studied through PRA. Although there are limitations due to the many uncertainties associated with the use of PRA, the Commission considers it to be a valuable adjunct to the established regulatory process and NRC's reactor safety regulations in 10 CFR, Chapter I.

Some of the previous risk assessments have identified new equipment that, if added, and specific plant features that, if modified, have a high potential for risk reduction. Such features typically involve details of system design and operation and not the more fundamental and costly aspects of design. Some examples of details of system design and operation are discussed in Sections VIII and IX of this Policy Statement.

It is our judgment that the utility of PRA can be improved if it is integrated with the design process. To take advantage of this improved use of PRA, the Commission will require the performance of a PRA that is as complete as practical for any standardized design to be referenced in future CP applications. The purpose of these PRAs is twofold: to encourage the development of an effective reliability and risk management program beginning at the design stage and to determine if there should be additional regulatory requirements imposed because of insight gained from the PRA before issuance of a license referencing that design. We believe that such studies can help to identify design features that would lessen the likelihood of degraded-core-cooling events (accident prevention), arrest the extent of damage by successful interdiction of a degraded-core-cooling event (accident management), or lessen the ensuing consequences of a core meltdown (consequence mitigation). We expect that PRA can help to illuminate those design requirements that are practical and that can make a significant, cost-effectiveness contribution to risk reduction. Our regulations already require for near-term CPs that PRA be factored into the design process shortly after CP issuance. Thus, our policy for new CP applications referencing standardized designs is simply to require that the PRA and associated reliability engineering programs be performed earlier in both the design and regulatory processes than is now the case. The specifics our standardization policy are discussed more fully in Section VI of this Policy Statement.

We emphasize that PRA is only one of several tools to be used in making backfit decisions for plants already licensed and in developing safety rulemaking for future standardized designs. We also caution that although we intend to encourage broad uses of the PRA methodology in regulatory decisionmaking—including severe accident analysis in operating nuclear power plants—we do not expect to develop widespread requirements for compliance with any numerical safety goal design objectives that might be approved for individual licensing reviews until refinements in PRA methodology make it more appropriate for this purpose. Some discussions of provisional numerical guidelines and PRA methodology will emerge in certain licensing hearings where PRAs have been required (e.g., OL applications for plants in high population density sites and new CP applications).

IV. Lessons Learned From Three Mile Island

The lessons learned from TMI have been applied to operating plants, plants in operating license review, and plants now undergoing construction permit review. The lessons are summarized as licensing requirements for operating plants and plants under construction in "Clarification of TMI Action Plan Requirements" (NUREG–0737, November 1980). The Commission's policy for pending CP applicants is that they comply with the CP Rule (47 FR 2286, January 15, 1982). It is our policy that future CP applications or reactivations of CP applications previously docketed also comply with the CP Rule.

Since effective implementation of the actions summarized in NUREG–0737 and the CP Rule have significantly upgraded nuclear power plant safety, a deliberate approach to decisionmaking is described in Section X of this Policy Statement.

V. Standard Review Plan

On March 18, 1982, the Commission announced the issuance of a rule (47 FR 11651) that requires future applicants for operating licenses, construction permits, manufacturing licenses, the preliminary or final design approvals for standard plants to identify and evaluate differences from the acceptance criteria of the applicable revision of the Standard Review Plan (SRP) as part of the technical information to be submitted as part of an application. The SRP was originally issued in 1975 with the most recent revision being issued in September 1981 (NUREG–0800).

The SRP describes acceptance bases and criteria for conclusions which are presented in a staff Safety Evaluation Report (SER). Although conformance with the SRP is not a regulatory requirement, the acceptance criteria of the SRP provide for greater stability in the licensing process and, in a growing number of areas, also provide quantitative guidance for ensuring safe performance of a plant. The lessons learned from TMI have also been incorporated into the SRP. Accordingly, the strengthening of the SRP and procedures for its application reduce the urgency for final decisions on severe accidents for plants under construction. Moreover, SRPs provide a useful fiducial for considering new safety requirements for the next generation of plants. Hence, staff review against the SRP is an important part of the network of assurance needed on the acceptability of new plants.

VI. Standardization Policy

On August 31, 1978, the Commission issued a policy statement, "Statement on Standardization of Nuclear Power Plants," that expanded on the standardization concept for nuclear plants and described specific policy changes being made to improve the usefulness of the Commission's standardization program (43 FR 38954). That policy statement, among other things, defines the effective time periods for design approvals under each of the four standardization concepts: (i) The reference system concept; (ii) the duplicate plant concept; (iii) the manufacturing license concept; and (iv) the replicate plant concept.

The Commission reiterates its support for standardization. To this end, holders of, and applicants for, Preliminary or Final Design Approvals should modify their applications to take into account the guidance of this Policy Statement if the design approvals are to be used in future CP applications. The requirements to be met are enumerated in Section X of this Policy Statement. We expect to complete our reviews within a year or two such applications. In the interim until a severe accident review is completed and a new design approval is granted, a standard design with an approval granted pursuant to present Commission regulations must be updated in order to be referenced in new or reactivated CP applications by

showing that it meets the new CP Rule, and an application must be filed for a severe accident review pursuant to the requirements of Section X, below.

When reviewed by the staff and approved in rulemaking, the Commission expects that the approval of the standardized designs for referencing in future CP applications would be binding on both the staff and applicants for a period of ten years unless significant new safety information becomes available. Design changes considered in response to this new information would be reviewed to ensure that risk reduction is cost-effective before initiating further rulemaking to incorporate the changes. Regulatory or national standards issued subsequent to the approval of a standardized design (e.g., later editions of the ASME Code) may be proposed by applicant and used when agreed to by the staff in lieu of or in addition to those referenced if commercial practice makes it desirable.

Ten-year referenceability of approved designs appears to be a reasonable choice in view of the long lead times experienced in the past five to ten years in effecting significant design improvements; further, it is a time span consistent with practical use of standardized designs.

The Commission intends that approval of standard designs in accordance with Section X, below, be accomplished by rulemaking in accordance with 10 CFR Part 50, Appendix O, Section 7. Applicants seeking this course will be given priority over applicants for new custom plant approvals in the assignment of staff review resources.

The Commission acknowledges the importance of having final design information. This may require essentially an FDA-level of design detail for the nuclear steam supply system (NSSS) and for a substantial portion of the balance-of-plant (BOP) equipment before successful completion of a PRA for a standardized plant. It may be possible to compensate for lack of design detail by providing appropriate interface performance specifications. To conserve resources in the conduct of licensing reviews, the Commission will give priority, at the time of docketing, to standard plant applications for which a substantial portion of the NSSS and BOP design has been completed.[1]

[1] See previous Commission policy statement (43 FR 38854, August 31, 1978) with respect to antitrust aspects involved in the standardization approach.

Standardization policy will be more effective in achieving its objectives when coupled with regulatory reform initiatives for amending NRC regulations to provide for early and separate approvals of sites; for early and separate approvals of standardized nuclear power plant designs, including the balance of plant to the extent practicable; and for one-step licensing in cases using standardized whole-plant designs.

VII. Further Research on Severe Accidents

The Commission is conducting a research program on severe accidents. This program complements the IDCOR program of industry (see below) and it includes studies on the following:

- Probabilistic risk assessment methods, including those treating external events;
- Common-cause accident contributors;
- System interactions, including analysis of systems transients involving core damage;
- Accident management, including guidelines for recovery from a core-damaging event;
- Phenomenological research on fuel and fission product behavior of damaged cores and containment response to severe loadings;
- Human factors;
- Applications research on behavior of existing systems and components in the severe accident environment;
- Fission product release and transport; and
- Safety-cost tradeoff analysis of changes in hardware.

Among other things, the research is intended to reduce the substantial uncertainty in the risk calculations that would be used in implementing our safety policy. A basic problem to be addressed by the research program is that the uncertainty in the "front end" of PRAs (the likelihood of various accident sequences) is currently believed to be optimistically biased due to (a) possible lack of completeness in identifying all possible scenarios and describing their event sequences and (b) difficulties in identifying and modeling common-cause failures. However, the "back end" (consequence estimation) of risk assessment, is currently believed to be conservatively biased because of two basic assumptions. First, the partial failure of core cooling is usually assumed to result in total core melt. Second, recent research (see NUREG-0772) indicates that radioactive releases in dominant accident sequences are likely to be substantially lower than predictions based on the conservative assumptions in current licensing requirements or the assumptions in WASH-1400. These conservatisms concern the plateout of fission products in the primary system and the fallout of airborne radionuclides inside containments. These biases interfere with the usefulness of PRA for weighing the relative merits of different design or operating features. Research is needed to reduce the interference.

Our research program on severe accidents has two distinct phases. The first phase (scheduled for completion in early 1984) is designed to answer the necessary technical questions before final regulatory decisions on severe accidents are made. The objectives of Phase I (see Draft NUREG-0900, "Nuclear Plant Severe Accident Research Plan") are to provide the following:

- An improved methodology for probabilistic risk assessment plus a significant extension of the data base for severe accident assessment;
- Data for a better estimate of the radiological source term used to assess accident consequences; and
- A technical basis for regulatory decisions to add or modify principal design features and operating guides and procedures of existing plants with respect to their ability to prevent and mitigate severe accidents.

In Phase II (to be completed by the end of calendar year 1985), the objectives of the program are to complete development of the data base, to further improve PRA methodology and its applications, and to confirm and render more precise the bases for regulatory decisions and guidance. Of particular importance to rulemaking on standard plant designs for future applications is that the first phase of severe accident research will enable a more precise appraisal of specific design and operational refinements, especially from the standpoint of cost-effectiveness or risk/net benefit criteria. This will serve to indicate whether further reduction of risk is justifiable. In addition, better understanding of the dominant severe accident sequences and of the magnitude of radioactive releases in the first phase of the research is expected to lead to substantial improvements in emergency preparedness and procedures.

The Commission also notes a substantial commitment of industry resources for severe accident evaluation under the Industry Degraded Core Rulemaking (IDCOR) Program (see "IDCOR Program Plan," November 1981, Technology for Energy Corporation, Knoxville, Tennessee), to be completed

by mid-1983. In support of the IDCOR Program, the Nuclear Power Division of the Electric Power Research Institute has scheduled a number of important projects under its Degraded System Technology Program. The Commission feels it is prerequisite to the objectives and schedules set forth in this Policy Statement on Severe Accidents that the IDCOR Program continue on its present course and schedule.

We do not expect our present views on severe accident considerations to change substantially as a result of ongoing NRC-sponsored or industry research with respect to the fundamentals of the present designs and their general adherence to our safety policy. However, it is possible—though not necessarily likely for any or all classes of nuclear power plants reactors—that new information will demonstrate the desirability of certain lesser changes such as improved reliability of some engineered safety features and addition of filtered vents to some types of containment and design features that would reduce the risk from sabotage and earthquakes. Also, we expect research results to permit further risk reduction by identifying worthwhile refinements in the design of operating nuclear plants or their operating practices rather than indicating major redesign needs. The research will also help to develop more accurate probabilistic risk assessment methods for use in regulatory desision-making and to provide greater assurance of adequate protection of public health and safety.

VIII. Treatment of Severe Accidents in Ongoing Licensing Proceedings

The Commission has considered the question of whether additional regulations should be issued at this time to require more capability to mitigate the consequences of severe accidents in operating plants and plants under construction. Although, as noted above there are large programs presently ongoing that will provide information related to this question, they have not yet produced significant new insights into consequence mitigation features sufficient to support further regulatory changes, nor have they yet shown a clear need to add such features.

There are presently two rules, one final and one proposed, on hydrogen control and related matters (46 Fr 58484, December 2, 1981, and 46 Fr 62281, December 23, 1981). These rules are intended to provide reasonable assurance, pending generic resolution, that the risk of degraded-core accidents for plants designed in accordance with current regulatory requirements is acceptable. Accordingly, individual licensing proceedings are not appropriate forums for a broad examination of the Commission's regulatory requirements relating to control and mitigation of accidents more severe than the design basis. Similarly, notwithstanding the Class 9 accidents review requirements for environmental hearings of the Commission's Statement of Interim Policy on "Nuclear Power Plant Accident Considerations Under the National Environmental policy Act of 1969" (45 FR 40101, June 13, 1980), the capability of current designs or procedures (or alternatives thereto) to control or mitigate severe accidents should not be addressed in case-related safety hearings. Likewise, our new rule for pending construction permits (47 FR 2286, January 15, 1981) is sufficient for licensing of that class of plant insofar as severe accident management or consequence mitigation is concerned.

The ongoing programs of severe accident study and research described in Section VII of this Policy Statement will provide new information. The Commission will ensure that these programs are closely coordinated and will concentrate on specific analyses and experiments needed for operating plants and plants under construction and on new standardized designs for future construction permit applications. The research will be designed to furnish information for regulatory decisions regarding features for accident prevention and management as well as consequence mitigation. The research will also improve our understanding of plant response to severe accidents so that their characteristics can be implanted into operator training and procedures. The intent is to obtain sufficient information in about two years to complete policy development and decisionmaking on severe accidents for all classes of plants. Confirmatory research may extend another several years.

In this regard, the Commission notes that much of the work to be done by the staff and its contractors as part of the Severe Accident Research Plan can be applied to light-water reactors either yet to be designed or to reactors now in operation. In some cases, the value of a change may be realized on either old or new designs. Examples of this would be changes in operator training or procedures for severe accidents and the addition of hydrogen ignition systems. In other cases, the cost of design variations could only be justified for new designs. Examples would be variations in the construction material of the containment basemat or variations in the ultimate strength of containment (See Section IX of this Policy Statement).

As described in Section VII, information on the potential for degraded-core accidents (to the extent allowed by the existing data base) is being assembled and assessed under the Industry Degraded Core Rulemaking Program. This effort is directed solely toward the current generation of operating plants. Thus, there are concurrent interests of NRC and IDCOR in assessing costs and relative benefits of potential changes in design and operations for operating plants. Accordingly, we expect that our staff will meet periodically with IDCOR staff to review progress, assess the safety significance of new information, and ensure that, to the extent feasible, the programs of study are closely coordinated and complementary.

Moreover, we expect the staff and the industry to interact periodically with the ACRS on severe accident research matters applicable to plants in operation or under construction or applicable to standard designs under review for construction permit applications. The staff should exchange views intially with the ACRS to agree on a tabulation of the fundamental severe accident questions and on the approach to answering these questions for the various classes of plants operating or planned. As the programs progress in NRC and industry, the ACRS will be asked to review progress and offer suggestions for change where needed to answer these fundamental questions.

The Commission will conduct an annual review of severe accident research to determine progress and to ascertain whether any substantial and significant new information has been developed that would require additional rules for severe accident protection features for operating plants and plants under construction. The Commission expects to conduct this annual review twice (the first time in the Spring of 1983 and the second, one year later), finally resolving this matter for operating plants and plants under construction by mid-1984.

IX. Present Views on Other Safety Issues and Efforts In Progress

A. Striking a Balance Between Accident Prevention and Consequence Mitigation.

The general thrust of Item II.B.8 of the TMI Action Plan (NUREG–0660) was for NRC and the nuclear industry to give further consideration to severe accidents beyond the design basis and, more specifically, to explore means to decrease the probability as well as

mitigate the consequences of such accidents. By using this approach the Commission seeks to strengthen its defense-in-depth policy by striking a new balance between accident prevention and consequence mitigation in controlling the risk of nuclear power plant accidents.

Preventive measures to reduce the probability of severe accidents have been at the heart of reactor safety regulations for many years—for example, most of the General Design Criteria of 10 CFR Part 50, Appendix A. Since the accident at TMI, there has been increased recognition that one of the most important systems in providing assurance of core-melt prevention following transients is a reliable decay heat removal system (DHRS). This had led NRC to approve shutdown decay heat removal requirements as an unresolved saftey issue (Task A–45).

The objective of this task is to develop a comprehensive and consistent set of shutdown cooling requirements for existing and future LWRs, including the study of alternative means of shutdown decay heat removal and of diverse "dedicated" systems for this purpose. This effort is supported by numerous research tasks. It is our hope that this will result in establishing technical performance criteria for decay heat removal systems.

However, the General Design Criteria also require that there be containment systems to control the effects of severe accidents. This is a form of consequence mitigation. Consideration of specific consequence mitigative measures for the dominant core-melt accident sequences in a new ingredient in reactor safety, and further clarification of the current policy and direction of Commission thinking on this subject for new CPs is provided below.

B. Containment Strength

In exploring the need for additional design or operational features in the next generation of plants to mitigate the consequences of core-melt accidents, the Commission will emphasize actions that improve understanding of containment building failure characteristics and design features or emergency actions that decrease the likelihood of containment building failures. The Commission has learned in its licensing activities and studies since the accident at TMI that some containments are better than others for mitigating core-melt consequences. Although not specifically designed to accommodate the hostile environments resulting from severe accidents, they can contain a large fraction of the radiological inventory from a spectrum of severe accidents. For example, large, dry containments may be sufficiently capable of mitigating the consequences of a wide spectrum of core-melt accidents; hence, further requirements may be unnecessary or, at most, upgrading current requirements to gain limited improvements of their existing capability may be necessary. The Commission expects that these matters will continue to be subjects for study (e.g., in the NRC research program and in further plant-specific studies such as the Zion and Indian Point probabilistic risk assessments).

Through an intergrated systems analysis it may be possible to demonstrate that other containment types exhibit a functional containment capability equivalent to that of large, dry containments. Although containment strength is an important feature to be considered in such an analysis, credits should also be given to the inherent energy and radionuclide absorption capabilities of the various designs as well as other design features that limit or control combustible gases.

A major difficulty in assessing systems behavior under the transient conditions of a core melt is the state of knowledge of the performance of containment and other consequence mitigation technologies. Probabilistic risk assessment appears to be fairly well developed for large, dry containment types, and the staff expects that comparable knowledge will be available soon for other containment types (Ice-Condenser and Mark I, II, and III).

It is clear that core-melt accident evaluations and containment failure evaluations should continue to be performed for a representative sample of operating plants and plants under construction and for all future plant designs. These studies should improve our understanding of the containment loading and failure characteristics for the various classes of facilities. The analyses should be as realistic as possible and should include, where appropriate, dynamic and static loadings from combustion of hydrogen and other combustibles, static pressure and temperature loadings from steam and non-condensibles, basemat penetration by core-melt materials, and effects of aerosols on engineered safety features. Following the outcome of severe accident research, a decision will be made whether to establish performance criteria for containment systems.

In addition to energy absorption capabilities mentioned above, several features that may decrease the chances of containment failure for some accidents in some containment designs are listed in Item II.B.8 of the TMI Action Plan, namely:

- Filtered venting of containment;
- Core-retention devices; and
- Hydrogen control features.

The NRC has been studying these and other mitigation features and is now in a position to give the following preliminary guidance about them for the designers of plants for new construction permit applications.

C. Filtered-Vented Containment Systems

In future CP applications for both pressurized water reactors (PWRs) and boiling water reactors (BWRs), filtered-vented containment systems, or a variation of such systems, should be provided if these yield a cost-effective reduction in risk. Some recent information indicates these systems may not be cost-effective for large, dry containments while other studies indicate these may be of value for some pressure suppression containments such as the MK III design of General Electric, or if the risk is dominated by large seismic events. GE has also considered a wet-well vent for its standardized Mark III design. These preliminary conclusions need to be addressed and final conclusions reached for new designs before they are applied to future plants.

D. Core-Retention Devices

Over the past several years, studies (such as NUREG–0850) of large, dry containment buildings indicate that classical core-retention devices are probably not cost-effective in reducing the release of radioactive materials to the atmosphere. Post-accident flooding of the reactor cavity may be all that is necessary to establish a coolable debris bed and prevent basemat penetration. However, unique basemat designs and unique or undesirable liquid-pathway characteristics [1] should be carefully weighed in future CP applications before deciding that this concept can be dismissed. Also, the materials of construction in the basemat can reduce or eliminated aerosols, combustibles (hydrogen and carbon monoxide), and non-condensibles arising from melted core and concrete interactions. Such gases and aerosols could contribute to the overpressurization threat to containment building integrity and should be considered in an integrated evaluation of the adequacy of containment performance.

[1] For example, a core-retention device is required on the floating nuclear plant because of liquid pathway issues.

E. Hydrogen Control Systems

The Commission intends to require hydrogen control systems to deal with degraded-core accidents for all dry containments, ice condenser containments, and the Mark I, II, and III containments. The requirements for plants in operation or under construction are contained in two rules (one final and one proposed) on "Interim Requirements Related to Hydrogen Control" (46 FR 58484, December 2, 1981, and 46 FR 62281, December 23, 1981). Somewhat more stringent requirements have been set forth in the CP rule. Our existing requirements for hydrogen control systems are based on a presumption that core cooling would be restored following a severe accident and that the reactor vessel and primary heat-transport systems would maintain their integrity. The cost-effectiveness of combustible gas control systems for even more sever accidents (i.e., accidents proceeding with core melt and vessel melt-through and large combustible gas releases) should be examined for future CP applications.

F. Reliable Containment Heat Removal

The staff is studying the need for more reliable subsystems for containment heat removal (in addition to systems normally provided in the past) as possible alternatives to filtered venting for prevention of gradual over-pressurization failure of the containment building. The cost-effectiveness of this alternative should be considered in the design of plants for new CP applications. In addition to a reduction of probability of gradual over-pressurization failure, the effective design of containment heat removal subsystems may also reduce the source term for the release of radioactive materials to the environment. Research tasks directed to these alternatives could provide information useful to the cost-effectiveness analysis of alternatives and possibly in establishing technical performance criteria if these subsystems prove cost-effective. Applicants for standard design approvals or construction permits should give special consideration to reliability of decay heat removal systems as a margin of conservatism to allow for the limitations of risk assessment methods for extraordinary events such as earthquakes and sabotage.

G. Other Consequence Mitigation Measures

There are other issues listed in Item II.B.8 of NUREG-0660 that the Commission believes have minimal value for improved safety and, therefore, need not be considered further; namely, effects of severe accidents at multi-unit sites and post-accident recovery plans. One item deserving consideration, however is the location outside containment of systems that could become highly radioactive following a severe accident. This item is not a policy question, but it is a matter of good engineering practice. The Commission expects that designers and applicants for future plants will show that these systems have been located to facilitate human access and to enhance their long-term, post-accident control and maintenance.

In general, core-melt consequence mitigation design features and procedures should be evaluated on as realistic a basis as possible. Considering the low probability of core-melt accidents, the Commission does not intend to require the use of conservative design criteria and analysis methods of the sort that have been applied to engineered safety features (safety-related equipment) required by NRC regulations for design basic accidents. Nonetheless, it is important to note that there may be more extreme design conditions for these mitigation system that might compromise safety-related systems. For example, if post-accident inerting is being considered for hydrogen control following a severe accident, then the inadvertent inserting of the containment building should not violate requirements appropriate for a design basis accident (i.e., service level A for steel containment buildings, including the effects of buckling). It is also important that attendant risks be taken into account in considering design and operational improvements for core-melt mitigation. Attendant risks introduced by new systems (e.g., inadvertent operation of a system for filtered venting of containment) are an important consideration.

H. External Events, Human Errors, and Sabotage

Another class of issues is the relation to severe accident considerations of sabotage and external events such as floods, winds, and earthquakes, as well as other accident initiators that are difficult to quantify, including multiple human errors and design errors. The Commission has addressed external events and operator errors in its "Policy Statement on Safety Goals for the Operation of Nuclear Power Plants" (48 FR 10772, March 14, 1983) within the context of the plan to evaluate the safety goal policy statement. Although the Commission has explicitly excluded sabotage from the safety goal policy statement, the Commission recognizes the merit of providing guidance on plant design that inhibit sabotage.

Pending decision on the final content of the safety goal policy statement, the Commission expects that applicants for standard design approvals will adddress these issues in their Safety Analysis Reports. Along with external events and human errors, these reviews will include design considerations to inhibit sabotage. Special attention should be paid to the potentially conflicting design objectives that may arise from safety and sabotage considerations. Applicants for standard design approvals or construction permits are to give specific consideration of plant design features that would decrease the probability of damage from sabotage.

In addressing potential accident initiators (including earthquakes, sabotage, and multiple human errors) where empirical data are limited and residual uncertainty is large, the use of conceptual modeling and scenario assumptions in Safety Analysis Reports will be helpful. They should be based on the best qualified judgments of experts, either in the form of subjective numerical probability estimates or qualitative assessments of initiating events and casual linkages in accident sequences. In addition to this design analysis approach for new plants, the Commission's continuing practice of conservatism and use of the defense-in-depth concept for the design basis required by current regulations are intended to provide the requisite margin of protection for accident initiators of these kinds.

I. Siting Policy

Appropriate site selection can hold significant implications for reducing the contribution to overall risk of severe nuclear accidents from external event initiators such as earthquakes, floods, and tornadoes. Moreover, site characteristics such as meteorology and terrain have significant influence on the distribution and dispersal of any accidental releases of radioactive materials. Also, the population distribution in the vicinity of the site affects the magnitude and location of potential consequences from radiation releases.

Current siting regulations are set forth in 10 CFR Part 100, and siting guidance is given in Regulatory Guide 4.7, "General Site Suitability Criteria for Nuclear Power Stations." Siting policy and planning guidance for further improvements are set forth in "U.S. Nuclear Regulatory Commission Policy and Planning Guidance, 1982" (NUREG-

0885, Issue 1, January 1982, page 10) as follows:

Policy

Siting criteria for nuclear power plants and other major nuclear facilties need improvement. The staff has been working to prepare in the very near term modified regulations concerning the siting of nuclear power plants. The Commission has decided to better define its safety objectives and better characterize the radioactive source term before proceeding with new siting regulations.

Any new siting rule will be consistent with new radioactive source term information for severe accidents that are expected to be available in mid-1983. A program plan for issuing a siting rule that is consistent with the Commission's reassessment of the source term for radioactive material releases and the Commission's future policy on safety goals will be developed following completion of these actions. Based on staff work to date, the new siting rule is expected to apply to future sites only and to be a refinement of present siting guidance rather than a drastic revision of it.

X. Implementation Guidelines for Severe Accident Policy

Pending final resolution of current NRC initiatives regarding legislative and administrative regulatory reforms, as well as safety goals and their implementation plans, the Commission sets the following conditions for standard designs for reference in future CP applications or in any reactivations of previously docketed CP applications:

(1) Demonstration of compliance with current Commission regulations,

(2) Completion of a Probabilistic Risk Assessment before standard design approval through rulemaking. The applicant will be required to install those design features for prevention, management, or mitigation of severe accidents that are considered in light of Section IX above and shown to be cost-effective in the course of rulemaking for standard design approval;

(3) Completion of a staff review of the standard design with a conclusion of safety acceptability; the review will be based upon the updated version of the Standard Review Plan (NUREG–0800) and 10 CFR 50.34(g) that requires applicants to evaluate differences from the Standard Review Plan (see 47 FR 11651, March 18, 1982, and 47 FR 15569, April 12, 1982);

(4) Consideration of all applicable Unresolved Safety Issues; and

(5) Adherence to the requirements coming from the experience at TMI and set forth in the CP Rule 10 CFR 50.34(f) (47 FR 2286, January 15, 1982).

Regarding the last item, the CP Rule applied initially to a narrow group of CP applications. However, the Commission intends that the CP Rule become a minimum requirement for new plants and, in due course, intends to modify the regulations to that effect. For those CP applications and reactivations of previously docketed CP applications meeting the guidelines above, the Commission expects that no additional fundamental design requirements relating to severe accidents will be issued, unless new safety information shows an unacceptably wide departure from the safety goals and numerical guidelines that may be issued by the Commission.

The only exception to the conditions listed above is that, between now and completion of a review of a standard plant design for severe accident considerations, the Commission will grant CPs, under its previous standardization policy, to applicants for plants referencing a standard design approval supplemented by a showing of conformance to the CP Rule, under the conditions cited in Section VI, "Standardization Policy," above. Regulatory decisions affecting operating plants and plants under construction, regarding any safety requirements being imposed on plants of new design, will be made only after due consideration of the safety-cost tradeoff criteria and available new research information on severe accidents.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

The authority for this document is:

(Sec. 161, Pub. L. 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201))

Commissioner Gilinsky's separate views and Commissioner Asselstine's additional views are attached.

Dated at Washington, D.C., this 8th day of April, 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

Additional Views of Commissioner Asselstine Agreeing in Part and Dissenting in Part

Summary

I support the *concept* embodied in the Commission's proposed policy statement of replacing the broad, open-ended generic rulemaking on severe accidents, as contained in Task II. B. 8 of the TMI Action Plan, with more specific, focused and near-term efforts to consider severe accident issues for various categories of existing and future nuclear power plants. In particular, I believe that the Commission's proposed policy statement provides a much-improved framework for addressing severe accidents through the Commission's consideration of standardized nuclear power plant designs that might be referenced in any future nuclear power plant construction permit applications. I therefore support in general these elements of the Commission's proposed policy statement.

However, I do *not* believe that the Commission's proposed policy statement adequately defines the process for deciding what changes, if any, in the current generation of nuclear power plants (the 79 plants now holding operating licenses and the 59 plants presently under construction) are needed to take into account severe accidents (i.e., accidents beyond those considered in the current design basis accident approach such as core-melt accidents). In marked contrast to the detailed rulemaking process established for standardized designs for *future* plants, the Commission's proposed policy statement provides, for the 138 plants now in operation or under construction, only the general outlines of an internal NRC review process for severe accident issues in place of the Commission's previous decision to conduct a generic rulemaking. Moreover, I believe that the Commission's policy statement reaches certain judgments on the likely outcome of the Commission's evaluations of severe accidents for future as well as existing plants that are unjustified on the basis of information now before the Commission. For these reasons, as discussed in greater detail below, I cannot support either the approach taken in the proposed policy statement for resolving severe accident questions for *existing* plants or the judgments in the proposed policy statement on the likely outcome of the Commission's evaluations of severe accidents. In at least these respects, I reach the same conclusion as did our Advisory Committee on Reactor Safeguards—that the Commission's proposed policy statement is "seriously flawed."

Discussion

One of the more significant lessons learned from the Three Mile Island accident was that severe accidents—

that is, accidents involving serious disruption or melting of the reactor core—can in fact occur, and with greater likelihood than was generally thought previously to be the case. Indeed, prior to the Three Mile Island accident, it was thought that such accidents were so unlikely as to be virtually incredible. For this reason, the Commission's regulations defined such accidents as being beyond the "design basis" for nuclear power plants, and they effectively precluded in the licensing process consideration of issues relating to a plant's ability to withstand such accidents.

Following the Three Mile Island accident, the Commission announced its intent to conduct a long-term, generic rulemaking effort (including the possibility of a hearing) that was intended to establish requirements relating to core-melt accidents (Task II. B. 8 of the TMI Action Plan). An advance notice of proposed rulemaking on this subject was published on October 2, 1980 (45 FR 65474). The Commission's proposed policy statement being issued today would replace this largely unfocused, long-term generic rulemaking effort with two new approaches: one for new standardized plant design (that may serve as the design basis for as-yet-unordered future plants) and a second for the 138 existing plants with operating licenses and construction permits.

For standardized designs, the Commission's proposed policy statement defines in considerable detail the process to be used to resolve severe accident considerations. This process calls for a rulemaking proceeding to certify the acceptability of the design. Since the Commission has recently submitted legislation to the Congress that would require the use of hybrid hearing procedures for the approval of standardized plant designs, I would expect the Commission to employ these or other adjudicatory procedures in these proceedings. The proposed policy statement further specifies that this rulemaking proceedings must include a severe accident review. This review must, in turn, address a number of specific severe accident issues described in detail in section IX of the proposed policy statement. Finally, the proposed policy statement specifies that the design must meet the requirements of the Commission's Construction Permit rule, must achieve a technical resolution of the Unresolved Safety Issues and must be adequately responsive to insights afforded by probabilistic risk assessments.

Taken together, I believe that these elements of the Commission's proposed policy statement provide a much-improved framework for considering severe accidents in standardized designs for future plants. However, even this framework poses certain practical difficulties. For example, the proposed policy statement predicts completion of the severe accident reviews for standardized designs within two years. This time period may not be sufficient to conclude ongoing generic programs to address certain of the more complex Unresolved Safety Issues, such as shutdown decay heat removal. Yet these generic programs may be essential to determine whether a technical resolution of the Unresolved Safety Issues has been achieved in the proposed new designs. The approach also entails some reliance on the use of probabilistic risk assessment techniques which may not be sufficiently matured within the next year or two to resolve severe accident issues. Thus, it may not be possible to conclude these severe accident reviews for standardized designs within the rather optimistic time schedule contemplated in the proposed policy statement.

Nevertheless, on balance, I believe that the proposed policy statement sets forth an acceptable overall approach to addressing severe accident considerations for standardized designs for future plants.

The approach taken by the policy statement for *existing* plants is an entirely different matter. In marked contrast to the approach taken for standardized designs, the policy statement specifies only a process for "regulatory decisions" for existing plants that "may, or may not, include rulemaking." Thus, for existing plants, the Commission may well rely on internal judgments that could remain untested by the types of administrative procedures that will be employed for standardized designs. Moreover, although the policy statement calls for the study of "a range of possible design and operational changes to improve accident prevention and consequence mitigation capabilities" for existing plants, these changes are not identified in the statement.

I would have treated the 138 plants in much the same manner as standardized designs. That is, I would have defined more clearly the process and procedures to be used to evaluate severe accidents, and the severe accident issues that must be considered, for existing plants. Specifically, I would have incorporated a list of severe accident design and procedural changes that should be considered for existing plants. Upon completion of the staff's evaluation of these possible changes based upon our ongoing severe accident research programs and those of the industry (within one to two years), I would have commenced a rulemaking proceeding using hybrid hearing procedures to assess the adequacy of the conclusions reached and to determine whether additional changes might be needed to address severe accident considerations for various categories of existing plants. I believe that such a process would have provided a necessary means both for testing the adequacy of the staff's judgments and for assuring public involvement in our decisionmaking on severe accident issues.

My second concern regarding the Commission's proposed policy statement relates to certain judgments in the statement about the likely outcome of the Commission's evaluations of severe accidents for future and existing plants. Each of these judgments purports to be a judgment by the Commission. In each case, I do not believe that the Commission now has before it sufficient information to support these judgments.

Specifically, the proposed policy statement contains four judgments on the likely outcome of the Commission's severe accident evaluations that I believe are unsupported. First, according to the statement, the Commission believes that nuclear power plants of modern designs can be shown to be acceptable for severe accident concerns if they meet the requirements of the CP rule, if they achieve a technical resolution of the Unresolved Safety Issues and if they are adequately responsive to insights afforded by probabilistic risk assessments. Second, according to the statement, the existing group of about 13 probabilistic risk assessments for specific plants will provide a satisfactory basis for developing insights on severe accident considerations for all existing nuclear power plants. Third, according to the statement, the Commission does not expect its present views on severe accident considerations to change substantially as a result of ongoing NRC-sponsored or industry research with respect to the fundamentals of present plant designs and their general adherence to NRC safety policy. Finally, according to the statement, the Commission expects that no additional fundamental design requirements relating to severe accidents will be issued unless the Commission adopts for use safety goals and numerical guidelines, and new information shows

an "unacceptably wide departure" from them.

I want to emphasize that my concern with these judgments is not that they will eventually be found to be unwarranted. It could well be that the Commission's ongoing severe accident research program (at a funding level of about $50 million per year) will over the next year or two provide the necessary support for these judgments. That comprehensive and complex research program has been underway since as early as 1980 and the Commission has yet to have its first briefing on the overall results obtained thus far.

Information to support these judgments may also become available as a result of the industry's IDCOR program, but again, the Commission has yet to receive any results of that effort. Much of the same is also true for the NRC staff's ongoing effort to review and evaluate the adequacy of the existing plant-specific probabilistic risk assessments. Again, the Commission has yet to see any concrete results from this effort. In the absence of this type of information, I simply do not see a basis for the Commission to reach these judgments on the likely outcome of the severe accident evaluations. For this reason, I would have deleted these judgments from the proposed policy statement.

Commissioner Gilinsky's Separate Views on the Severe Accident Policy

I share Commissioner Asselstine's concerns and those of the Commission's Advisory Committee on Reactor Safeguards over the application of this policy. I share especially the ACRS's strong reservations about the overemphasis in this policy statement on use of "probabilistic risk assessment" in design decisions dealing with protection against severe accidents. In view of the lack of reliability data and the uncertainties in calculational techniques, reactor safety must continue to depend on time-tested engineering principles. Particularly important in this context are redundant and diverse means of protection against, and mitigation of, reactor core damage. The Commission should now be giving additional guidance on what it will require in these areas.

I find it surprising and disappointing that after all this time, despite the large research programs we conduct, and the extensive expertise and experience of our staff, we have not yet—in the words of this policy statement—"produced significant new insights into consequence mitigation features sufficient to support further regulatory changes * * *".

In a sense, this increases the importance of public comments on this policy, for it appears that conceptual improvements in reactor safety will have to come from outside this agency.

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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.**

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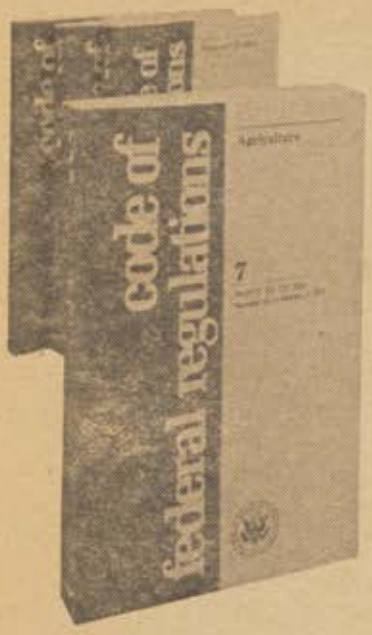

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